





FAMOUS TRIALS SERIES  
GENERAL EDITOR: GEORGE DILNOT

THE TRIAL OF  
PROFESSOR WEBSTER



## THE FAMOUS TRIALS SERIES

*General Editor:* GEORGE DILNOT

Author of "Scotland Yard," etc.

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THE TRIAL OF PATRICK MAHON *Edgar Wallace*

THE TRIAL OF PROFESSOR WEBSTER *George Dilnot*

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*[From a Contemporary Print.]*

PROFESSOR WEBSTER.

*[Frontispiece.]*

THE  
TRIAL OF PROFESSOR  
JOHN WHITE WEBSTER

*With an Introduction by*  
GEORGE DILNOT  
*Author of "Scotland Yard," etc.*

NEW YORK  
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# CONTENTS

|                        |           |
|------------------------|-----------|
| Introduction . . . . . | PAGE<br>I |
| The Trial—             |           |

## FIRST DAY, TUESDAY, MARCH 19th, 1850

|                                                                          |    |
|--------------------------------------------------------------------------|----|
| The Indictment . . . . .                                                 | 21 |
| Opening Statement by the Attorney-General for the Commonwealth . . . . . | 21 |

### *Evidence for the Prosecution*

|                               |      |                          |    |
|-------------------------------|------|--------------------------|----|
|                               | PAGE |                          |    |
| Charles M. Kingsley . . . . . | 45   | Robert G. Shaw . . . . . | 48 |
| Patrick McGowan . . . . .     | 48   |                          |    |

## SECOND DAY, WEDNESDAY, MARCH 20th, 1850

|                            |    |                                           |    |
|----------------------------|----|-------------------------------------------|----|
| Francis Tukey . . . . .    | 50 | Paul Holland . . . . .                    | 52 |
| Calvin G. Moore . . . . .  | 51 | Jabez Pratt . . . . .                     | 52 |
| Martha Moore . . . . .     | 51 | Dr. Winslow Lewis, Junr. . . . .          | 52 |
| George M. Moore . . . . .  | 52 | Report of the Medical Committee . . . . . | 53 |
| Dwight Prouty, Jr. . . . . | 52 | Dr. James W. Stone . . . . .              | 55 |
| Elias Fuller . . . . .     | 52 | Dr. George H. Gay . . . . .               | 56 |
| Albert Fuller . . . . .    | 52 | Dr. Woodbridge Strong . . . . .           | 56 |
| Leonard Fuller . . . . .   | 52 | Dr. Frederick S. Ainsworth . . . . .      | 57 |

## THIRD DAY, THURSDAY, MARCH 21st, 1850

|                                  |    |                                     |    |
|----------------------------------|----|-------------------------------------|----|
| Dr. Charles T. Jackson . . . . . | 58 | Dr. Jeffries Wyman . . . . .        | 63 |
| Richard Crossley . . . . .       | 61 | Dr. Oliver Wendell Holmes . . . . . | 65 |
| Dr. Nathan C. Keep . . . . .     | 61 | William D. Eaton . . . . .          | 66 |
| Dr. Lester Noble . . . . .       | 63 |                                     |    |

## FOURTH DAY, FRIDAY, MARCH 22nd, 1850

|                               |    |
|-------------------------------|----|
| Ephraim Littlefield . . . . . | 67 |
|-------------------------------|----|



## FIFTH DAY, SATURDAY, MARCH 23rd, 1850

|                             | PAGE |                                      | PAGE |
|-----------------------------|------|--------------------------------------|------|
| Ephraim Littlefield . . . . | 79   | Mrs. Caroline N. Littlefield . . . . | 82   |
| Andrix A. Foster . . . .    | 82   | John Maxwell . . . .                 | 84   |

## SIXTH DAY, MONDAY, MARCH 25th, 1850

|                                |    |                                  |    |
|--------------------------------|----|----------------------------------|----|
| Sarah Buzzell . . . .          | 85 | Charles W. Little . . . .        | 92 |
| Joseph W. Preston . . . .      | 85 | Seth Pettee . . . .              | 92 |
| William Calhoun . . . .        | 85 | John B. Dana . . . .             | 94 |
| Dr. John B. S. Jackson . . . . | 85 | Daniel Henchman . . . .          | 94 |
| George W. Trenholm . . . .     | 86 | James H. Blake . . . .           | 94 |
| Nathaniel D. Sawin . . . .     | 87 | Rev. Dr. Francis Parkman . . . . | 94 |
| Derastus Clapp . . . .         | 87 |                                  |    |

## SEVENTH DAY, TUESDAY, MARCH 26th, 1850

|                                 |     |                                  |     |
|---------------------------------|-----|----------------------------------|-----|
| Ralph Smith . . . .             | 97  | Nathaniel Waterman . . . .       | 102 |
| Samuel D. Fuller . . . .        | 97  | Charles P. Lothrop . . . .       | 103 |
| Samuel Parkman Blake . . . .    | 99  | Samuel N. Brown . . . .          | 103 |
| Charles B. Starkweather . . . . | 100 | Mrs. Betsey Bent Coleman . . . . | 103 |
| Charles B. Rice . . . .         | 102 | Samuel D. Parker . . . .         | 104 |
| Samuel Lane, Jr. . . .          | 102 | John N. Cummings . . . .         | 104 |
| James W. Edgerly . . . .        | 102 | Gustavus Andrews . . . .         | 105 |
| William W. Mead . . . .         | 102 | Eli C. Kinsley . . . .           | 106 |
| Truman M. Tyler . . . .         | 102 | Francis Tukey . . . .            | 106 |

## EIGHTH DAY, WEDNESDAY, MARCH 27th, 1850

|                            |     |                           |     |
|----------------------------|-----|---------------------------|-----|
| Nathaniel D. Gould . . . . | 107 | Anonymous Letters . . . . | 107 |
| George C. Smith . . . .    | 107 | Fisher A. Boswell . . . . | 108 |

*Opening for the Defence*

|                                |     |
|--------------------------------|-----|
| Mr. Edward D. Sohier . . . . . | 109 |
|--------------------------------|-----|

*Evidence for the Defence*

|                            |               |                          |               |
|----------------------------|---------------|--------------------------|---------------|
| Senator J. T. Buckingham   | } . . . . 122 | Francis Bowen . . . .    | } . . . . 122 |
| Hon. J. G. Palfrey . . . . |               | Joseph Lovering . . . .  |               |
| John H. Blake . . . .      |               | George P. Sangur . . . . |               |
| Dr. James Walker . . . .   |               | Rev. Dr. Conyers Francis |               |



# CONTENTS

vii

|                              | PAGE |                            | PAGE |
|------------------------------|------|----------------------------|------|
| Abel Willard . . . . .       |      | John A. Fulton . . . . .   |      |
| John Chamberlain . . . . .   |      | James D. Green . . . . .   |      |
| Hon. Joel Giles . . . . .    | 122  | C. M. Hovey . . . . .      | 122  |
| Edmund T. Hastings . . . . . |      | Daniel Treadwell . . . . . |      |

## NINTH DAY, THURSDAY, MARCH 28th, 1850

|                                                  |     |                                                          |     |
|--------------------------------------------------|-----|----------------------------------------------------------|-----|
| Nathaniel L. Bowditch . . . . .                  |     | Dr. George H. Gay ( <i>re-called</i> ) . . . . .         | 127 |
| J. D. Hedge . . . . .                            |     | Dr. Oliver Wendell Holmes ( <i>re-called</i> ) . . . . . | 127 |
| James Cavanagh . . . . .                         |     | Professor E. N. Horsford . . . . .                       | 127 |
| Major Abraham Edwards . . . . .                  | 122 | Dr. W. G. T. Norton . . . . .                            | 128 |
| Peleg W. Chandler . . . . .                      |     | Daniel Treadwell ( <i>re-called</i> ) . . . . .          | 128 |
| Dr. Morrill Wyman . . . . .                      |     | Dr. James W. Stone ( <i>re-called</i> ) . . . . .        | 129 |
| Dr. Jared Sparks . . . . .                       |     | Philena B. Hatch . . . . .                               | 129 |
| Charles O. Eaton . . . . .                       | 123 | William V. Thompson . . . . .                            | 129 |
| Samuel S. Greene . . . . .                       | 123 | Samuel A. Wentworth . . . . .                            | 131 |
| Judge Samuel P. P. Fay . . . . .                 | 123 | Samuel B. Cleland . . . . .                              | 131 |
| Joseph Kidder . . . . .                          | 124 | Lucius R. Page . . . . .                                 | 132 |
| Marianne Webster . . . . .                       | 124 | Abby B. Rhodes . . . . .                                 | 132 |
| Harriet T. Webster . . . . .                     | 125 | Mary Rhodes . . . . .                                    | 132 |
| Catharine T. Webster . . . . .                   | 126 | Sarah Greenough . . . . .                                | 132 |
| Dr. Winslow Lewis ( <i>re-called</i> ) . . . . . | 126 |                                                          |     |

## TENTH DAY, FRIDAY, MARCH 29th, 1850

### *Further Evidence for the Prosecution*

|                              |     |                             |     |
|------------------------------|-----|-----------------------------|-----|
| Joseph Sanderson . . . . .   | 133 | Benjamin H. Todd . . . . .  | 134 |
| Dr. Daniel Harwood . . . . . | 133 | Isaac H. Russell . . . . .  | 134 |
| Dr. Joshua Tucker . . . . .  | 133 | George W. Fifield . . . . . | 134 |
| Dr. W. W. Codman . . . . .   | 133 |                             |     |

### *Closing Speech for the Defence*

|                                  |     |
|----------------------------------|-----|
| The Hon. Pliny Merrick . . . . . | 135 |
|----------------------------------|-----|

## ELEVENTH DAY, SATURDAY, MARCH 30th, 1850

### *Closing Speech for the Prosecution*

|                                  |     |
|----------------------------------|-----|
| The Hon. John Clifford . . . . . | 187 |
|----------------------------------|-----|

*Statement by the Prisoner*

|                                     | PAGE |
|-------------------------------------|------|
| Professor John W. Webster . . . . . | 236  |

*Charge to the Jury*

|                              |     |
|------------------------------|-----|
| Chief Justice Shaw . . . . . | 239 |
| The Verdict . . . . .        | 265 |

## TWELFTH DAY, MONDAY, APRIL 1st, 1850

|                        |     |
|------------------------|-----|
| The Sentence . . . . . | 267 |
|------------------------|-----|

## APPENDICES

|                                     |     |
|-------------------------------------|-----|
| A. The Reward Notices . . . . .     | 273 |
| B. Charles Dickens' Story . . . . . | 275 |

## LIST OF ILLUSTRATIONS

|                                                           | FACING PAGE         |
|-----------------------------------------------------------|---------------------|
| PROFESSOR JOHN WHITE WEBSTER . . . . .                    | <i>Frontispiece</i> |
| DR. GEORGE PARKMAN . . . . .                              | 16                  |
| "THIS TIME PROFESSOR WEBSTER WAS READY FOR HIM" . . . . . | 32                  |

## INTRODUCTION

MURDER so perfectly planned and carried through as to defy detection has been the aim of many assassins. Few have had such peculiar advantages for their purpose as Professor John W. Webster.

He was a Professor of Chemistry and Mineralogy at Harvard, the oldest university in the United States; was a Doctor of Medicine, author of several technical books, and a member of many learned societies. His scientific reputation and social standing made him a man little likely to be suspected in normal circumstances. He was in control of a building where a person might be killed in perfect secrecy. And he had at his command the knowledge and resources by which a body might be resolved into the elements—destroyed so completely that no trace of it would be left. Yet with all these advantages he bungled—bungled just as egregiously as lesser educated murderers of his type. It is the same story with them all—Wainwright, Crippen, Voirbo, Mahon, and the rest.

It is singular how frequently detection from some trivial circumstance is not the result of detective work as it is generally understood by the public. No detectives were concerned in any particular degree in unmasking Professor Webster—and yet the key to the case against him lay in the apparent triviality that his victim wore false teeth. The case would make a good detective story—but it lacks a detective.

The other central figure of this drama was Dr. George Parkman, a graduate of Harvard University, a member



of a well-known family, and the owner of considerable property in Boston. He had physical and temperamental idiosyncrasies that made him a noticeable figure. Tall and spare, with a prominent under-jaw, he was full of restless nervous energy. He was approximately sixty years old.

A punctilious man in his private life and in all matters of business, he could behave with the most lavish generosity. All his life he took a great interest in University affairs, and had indeed borne the cost of the erection of a new building for the Medical College in 1846. Here through his interest Webster held his appointment. At the same time, it is of incidental interest to observe, Oliver Wendell Holmes was Parkman Professor of Anatomy and Physiology—the professorship being named after Dr. Parkman.

I do not know how it may now be, but in 1849 the position of professor at Harvard University, if it was one of dignity, carried with it small financial reward. Webster's salary was twelve hundred dollars a year—about two hundred and forty pounds in English money. This was added to by the sale to students of tickets for his lectures.

The habits and tastes of Webster did not conform to his income. He was the spoilt only son of a well-to-do apothecary, and he had been educated at Harvard at the same time as Parkman. For practically all their lives the two had known each other.

When, in 1833, Webster's father died he left his son about 50,000 dollars (approximately £10,000). With this money he built himself a big house in Cambridge and entertained on a lavish scale. Thus the time came when he was left to maintain his family and his social position on his meagre professional emoluments. It was perhaps inevitable that a man of his temperament should run into debt.

He early turned to Dr. Parkman, who readily met his demands. In 1842 he borrowed 400 dollars (about

£80), of which all that was ever repaid was 68 dollars. By 1847 Webster was in still worse straits. A number of his friends subscribed a loan of 1600 dollars (£320) to him. Dr. Parkman added 500 dollars (£100) to this. As a matter of convenience, the whole of this sum was credited to Dr. Parkman, and Webster gave a mortgage which included all his furniture, books, minerals and objects of natural history. He agreed to repay the capital sum at the rate of one-fourth each year.

Some part of this indebtedness he met, in all probability by straining his credit in other directions. But within fifteen months (in April 1848) he was in immediate fear of an execution on his house. In his extremity he applied to another friend, Mr. Robert Shaw, a brother-in-law of Dr. Parkman, for a loan of 1200 dollars (£240). Touched by his distress, Shaw agreed to find this sum, and Webster gave him a bill of sale on his mineral collection—a collection which, it is important to remember, was already mortgaged to Dr. Parkman. Shaw did not want the minerals, but he accepted the security, and did not worry when, as time went on, neither principal nor interest was paid.

There can be no question that Webster appreciated that he was committing an act of pure fraud. The matter was disclosed to Dr. Parkman in a casual conversation with Shaw, during which the embarrassments of Webster were touched upon. He was infuriated. From that instant he worried Webster with ruthless persistence. The Professor, a man of easily aroused passions, was not for a moment allowed to forget that he stood at the edge of a precipice. Public exposure and ruin stared him in the face.

The situation became acute in November 1849. At his home, at the Medical College, Parkman pursued Webster with insistent demands for payment. He tried to induce Mr. Pettee, who collected the fees for the lectures, to hold them back in satisfaction of the debt. Pettee, unwilling to be involved, tactfully declined.

"He seemed to blame me for not retaining the funds," said Pettee. "He made remarks the import of which was that Dr. Webster was not an upright nor honest man; and he asked me to tell him so."

In some form or other these words came to Webster's ears. A day or two later Parkman called upon him at his laboratory. "Are you ready for me to-night?" he demanded. Webster replied that he was not ready. There was a little more talk and Parkman departed with the threat, "Doctor, something must be done to-morrow."

Nothing was done. On Thursday, November 22nd, Parkman was seeking Webster in the neighbourhood of the latter's house without success. On the next day, Friday, Webster called upon Parkman and made an appointment to meet at the Medical College at half-past one that day. Dr. Parkman left home at midday. He never returned.

The anxiety of Dr. Parkman's family grew with the increasing hours of his absence. All they knew was that he had an appointment with some unknown person at one thirty. On the following day a wide search was organised. Thousands of reward bills were distributed about Boston, Cambridge, and the vicinity—one of which offered 3000 dollars (£600) for his discovery. Parts of the Charles River were dragged, and several buildings were ransacked. A scrutiny was made of the Medical College, but this was considered a formality. No one at that time really expected to find Dr. Parkman there, nor was there any suspicion against Webster. The Professor was polite and unperturbed at the appearance of the police.

Later events added some significance to certain points in his behaviour. On the early morning of Friday, November 23rd, Mr. Pettee called at the College to pay a cheque for 90 dollars (£18) for lecture tickets. He said that he wished to have no trouble with Parkman. Webster replied with a broad hint that Parkman



was out of his mind and added, "You will have no further trouble. I have settled with him."

On Sunday afternoon Webster called at the house of the Rev. Francis Parkman, a brother of the missing man, and explained that he was the person with whom Dr. Parkman had kept an appointment on Friday. He had not known, he said, that there was any inquiry on this point until he saw it in the newspapers the previous day. At the interview, he went on, he had paid 483 dollars and some odd cents (about £96). Dr. Parkman had some papers in his hand and he had dashed a pen through one with sudden violence after the money was paid. To some remark about cancelling the mortgage Parkman replied quickly, "I will see to that," and dashed peremptorily out of the building.

The Rev. Francis Parkman asked if his brother had gone to the Registrar's office to cancel the mortgage. With some flurry Webster declared that he did not know—he would find out. The other noted as an odd fact that his manner was cold and that there was no expression of sympathy.

To Mr. Parkman Blake, a nephew of the missing man who questioned him the following day, Webster repeated this story. He seems to have gone out of his way to spread this statement to all kinds of people. Curiously enough, there was no one at this early stage of the case who made any comment on the fact that Parkman, most scrupulous of men, was supposed to have agreed to cancel a mortgage which he held partly as a nominee for others because his own personal share of the debt was paid.

On the whole, Webster carried himself to the outside world as usual and with some measure of self-control. On Monday and Tuesday the police paid cursory visits to the College and noted nothing extraordinary in his demeanour. There was one man, however, whose doubts had been early awakened. This was Ephraim Littlefield, the College caretaker, or in American ter-

minology the janitor. Littlefield and his wife lived on the premises and it was his duty to light fires, sweep rooms, and generally look after the place.

One may imagine that gossip was busy. Among many rumours which gained currency was one that Parkman was in the Medical College. Those who repeated this had no solid grounds for the theory, and it does not appear that it had any connection with Webster. But Littlefield, as he said, could not go outside without hearing it, and it jumped with certain conclusions of his own which he dared not breathe except to his wife.

He had been present on that day when Parkman had told Webster something must be done, and he had a glimpse of the relations between the two. On that same day Webster had asked him some curious questions as to the vault of the dissecting-room, and whether it was in repair. On the Thursday, Webster asked Littlefield to get some blood from the hospital for an experiment at his lecture the following day. On Friday, Littlefield reported that he had been unsuccessful in obtaining the blood. On that same day Littlefield found behind the door of one of Webster's rooms a sledge-hammer which he carried into the laboratory. He never saw it again although he hunted for it.

Standing at a front door at a quarter to two he saw Dr. Parkman approaching the College, walking very fast after his habit. He did not see him enter, but went to take a rest. About a quarter past two he saw Dr. Oliver Wendell Holmes, who was generally the last to leave the building, out of the place, and cleared away the things he had used during his lecture. Then, pursuing his usual routine, he saw to various furnaces, and went to clear up Webster's laboratory. The door was bolted on the inside—a most unusual circumstance—and the Professor was moving about within. The door of Webster's lecture room was also locked and bolted. About a quarter past four he found the doors still fastened. At half-past five he saw Webster pass down the back

stairs with a candle in his hand. He blew it out and left the building.

Making his final rounds at ten o'clock that night, Littlefield discovered Webster's rooms still locked. On Saturday, Webster, although he had no lecture that day, arrived at the College at eleven o'clock and spent some hours in lonely, and possibly sinister, work.

It was Sunday evening, when Littlefield was chatting to a friend in a street near the College, that Webster approached and asked the janitor when he had last seen Parkman. Littlefield replied that it was about half-past one on Friday, when he was nearing the College. Webster struck his cane fiercely on the ground. "That is the very time I paid him 483 dollars and 60 cents," he declared. Littlefield was struck by the insistence on the odd cents. Webster went on to relate in circumstantial detail how he had paid the money. His pale cheeks and uneasy manner made an impression on the other. He could not look him in the face.

At that moment suspicion leapt to Littlefield's mind. He told his wife that evening of his determination to watch every step the doctor took. She, appalled at the suggestion against a man a word from whom would destroy their livelihood, warned him to say nothing, and for the next day or two he acted with great caution.

Neither on Monday nor early on Tuesday morning was Littlefield permitted to clear up or light fires in the Professor's rooms. The police came and glanced round, but he held his tongue. On the Tuesday Littlefield was astonished when Webster offered him a turkey for Thanksgiving Day (the following Thursday). "The idea of his giving away a cent's worth was remarkable."

All this while, although it was a holiday week, Webster was busy in the laboratory. By Wednesday morning Littlefield was peeping through keyholes, trying to pick a hole in a partition, and ultimately lying at full length in an attempt to look under the door of the laboratory.



All that he could see were the Professor's feet moving about the place.

That afternoon he felt a fierce heat on the wall of a staircase which backed on to the laboratory. He realised that it came from a furnace which he had never known used before. Webster had gone and the janitor again tried the doors. Failing to effect an entrance that way he climbed to a back window and managed to crawl through. The fire in the furnace had died down, but it was apparent from the quantity of fuel that was missing that it had been much used. There was nothing else that looked suspicious beyond some spots splashed on the laboratory stairs. Littlefield applied a finger to one of the splashes and put it to his mouth. It tasted of acid.

The second police search of the College on Tuesday afternoon had not touched one spot. That was a private lavatory in the laboratory of which Dr. Webster held the key. Littlefield remembered that attention had been diverted from this place when the police made their search. To look into this place without the knowledge of Webster there was only one way. That was to dig through the wall of the vault beneath. The janitor resolved to do so.

By this time the rumour that the remains of the missing man would be found in the College had spread and gained in intensity. Littlefield felt that he himself was open to suspicion in some degree.

So he began his work on the afternoon of Thursday, Thanksgiving Day, using a hatchet and a chisel. It was a slow business and when he gave it up for the day he had only moved a few bricks. That evening he went to a dance, and early next morning he reported his intention to two of Webster's brother professors. With reluctance they approved his purpose.

Webster was about the College on the morning of Friday, and in conversation with Littlefield spoke of a cab in which a woman had carried a large bundle which

was found to have stained the vehicle with blood. Not till the afternoon did Littlefield feel safe in resuming his work, and even then he left his wife on watch with instructions to signal should Webster return.

With a borrowed crowbar and a hammer he had nearly got through the wall when interruption came. It was a false alarm. Dr. Parkman's agent and some police officers had called. Littlefield told them what he was doing and added that he would shortly be through the wall. While they were talking, Webster returned. He remarked on a curious story that an Irishman had paid a toll of one cent at the bridge with a twenty-dollar note, and that he had been asked by the City Marshal if he had paid such a bill to Dr. Parkman. He had replied that he could not remember.

Webster went away, and telling Trenholm, one of the police, to return in twenty minutes, Littlefield went down and in five minutes had completed his work. Holding a light through the hole he discerned the pelvis of a man and two pieces of legs.

Shaking with agitation, he hurried to reveal his discovery. In a little the authorities were present and three officers went off to fetch Professor Webster from his house at Cambridge.

They drove off in a coach and found Webster on the steps of his house saying good-bye to a friend. Clapp, the senior officer, informed him that they were again about to search the College and wished him to be present. He readily assented, and putting on his boots, hat and coat drove with them towards Boston. There was some conversation on the search for Parkman, and the dragging of the river, and Webster suggested calling to see a Mrs. Bent, who could give some information. Clapp replied that she could be seen at another time. The Professor also referred to his last interview with Parkman and to the payment of 483 dollars.

Suddenly Webster observed that the coach had turned off the direct route to the College. To his comment

Clapp replied that the driver was "green." A little later they stopped outside the prison in Leverett St.

"Suppose we walk in here," said Clapp.

Grim conjectures must already have been clutching at Webster's mind. He could scarcely suppose that three officers had been sent merely to request his attendance at the College. He got down and without a word the group walked into the gaol.

Then he to some extent recovered himself. "What does all this mean?" he demanded.

Clapp replied solemnly. "Dr. Webster, you recollect I told you that soundings had been made above and below the bridge. We have been sounding in and about the College. We have done looking for the body of Dr. Parkman. We shall not look for his body any more; and you are now in custody on the charge of the murder of Dr. Parkman."

Webster muttered some incoherent words and asked them to send word to his family. It was suggested that the matter had better be left till morning. He was searched and among the articles in his pocket was found a big key marked "privy." This with the other things was locked away by Clapp and was not seen again till the next day.

Clapp went away to fetch the City Marshal, and the prisoner was left with Starkweather, another officer. A drink of water was brought and Webster drank greedily. He asked if Dr. Parkman had been found. Starkweather begged him not to ask questions. Then the self-control of the Professor seems to have entirely given way.

"You might tell me something about it," he implored. "Where did they find him? Did they find the whole of the body? How came they to suspect me? Oh, my children! What will they do? What will they think of me? Where did you get the information?"

Starkweather asked if anyone had access to his private rooms. "Nobody but the porter who makes the fires,"

replied Webster. "Oh, that villain! I am a ruined man!" He paced to and fro wringing his hands. Then he thrust a hand into his waistcoat pocket and put something in his mouth. An instant later he was seized with a violent spasm, and Starkweather, guessing the truth, seized him and kept him walking the floor. But within the hour when Clapp returned, having been unable to find the Marshal, the prisoner was unable to stand. He had, in fact, taken strychnine, but the dose was not strong enough to kill him.

Clapp decided not to send for a doctor unless he got worse, and Webster was laid in a cell. Three-quarters of an hour later (at about 10 o'clock) police and other persons interested in the case came to fetch him to the College. He was lifted in his half-dead condition to the gaol office and water was offered to him. He trembled so that he could not drink and the water was spilt. The sweat poured from him. He moaned piteously about his family, and one man sternly returned that there was another family which had been in great distress for a week. They got him into a cab and, supported by officers, he was taken to the College.

There the lavatory door was forced open and the remains were brought up. Charred bones were noticed in the furnace and left for closer examination later. The agitated Professor again asked for water. When it was brought he snapped at the tumbler as though he would bite it. His private room was searched and in a cupboard were found large fishhooks bound with twine to form a grapple. Towards midnight Webster was lifted to a carriage and taken back to gaol. On the journey he broke his silence.

"Why don't they ask Littlefield?" he exclaimed, faintly. "He can explain all this. What will my family think of my absence?" "I pity you. I am sorry for you," said Andrews, the keeper of the gaol, who was one of the escort. "You pity me!" said Webster. "You are sorry for me! What for?"



"To see you so excited," replied the other. "Oh, that's it," said the Professor and again relapsed into silence.

That night he lay rigid and motionless in his cell, but the next morning he was able to sit in a chair. Some measure of his self-control was restored. "This is no more Dr. Parkman's body than it is my body," he volunteered to his gaoler. "How in the world it came there, I don't know." He added, "I never liked the looks of that Littlefield, the janitor. I opposed his coming there all I could."

The duty of those scientific experts who were called upon the following day to aid the police was the more melancholy because they had been almost all colleagues of Webster and intimate with his victim. A meticulous search of the laboratory was now made. The ashes of the furnace were examined and fragments of bone and some fused false teeth were found. In a tea-chest covered with tan and minerals were discovered the left thigh of a leg, a thorax, and a hunting knife. No bloodstains were found, but the spots on the stairs were proved to have been made by nitrate of copper.

The cleverness and the foolishness of Professor Webster became apparent as the medical specialists and the legal authorities began to collate the evidence. The portions of the body found were those of a man of the build and age of Dr. Parkman. No one could absolutely swear to their identity. The false teeth alone provided a clue. These were recognised by Dr. Keep, a dentist, from certain peculiarities, as part of a set he had made for Dr. Parkman. They had been finished only just before the Medical College was formally opened—and among those who noticed that Parkman had new teeth on that occasion was Dr. Oliver Wendell Holmes.

The doctors were baffled as to the cause of death, although there was a strong probability that it had been brought about by a knife-thrust. In such a case there would have been a certain amount of blood, but no

bloodstains were discovered. The significance of the splashes of nitrate of copper was that this would remove blood. The dissection of the body had been done by a person of some anatomical skill. The thorax showed signs of having been subjected to the action of potash. The string which bound the thorax to the thigh was similar to string found in Webster's room.

Added together, the known facts afforded a sinister picture—a picture of a coldly-planned murder, and an equally coldly-planned attempt to efface all tangible evidence of the crime. On the face of it, Webster had placed the portions of the dismembered body in the vault of his private lavatory as a temporary measure, after dismissing some vague idea of using the dissecting-room vault, to which he did not hold a key. With the grapple fashioned from fish-hooks he had from time to time fished up bits of the remains to work upon. Potash, heated over a fire, would, as he knew, ultimately reduce flesh and bone to liquid, but it was a slow process and he had no receptacle large enough to hold the whole body. To expedite matters, he had thrust other portions into the furnace itself. No doubt, had time been permitted him, he would have made away with the whole body as completely as if it had never existed. There would have been nothing left to show that a murder had been committed—not so much as a bloodstain. As it was, he disposed of everything identifiable except the false teeth.

Other bits of evidence cropped up. Anonymous letters had been written to the City Marshal suggesting false lines of inquiry. These were said to have been concocted by Webster, and one at least he admitted after the trial. A few days after his arrest he wrote a letter to one of his daughters from prison which will be found quoted in full in the evidence. It concluded, as if by an afterthought, with the words, "Tell mamma *not to open* the little bundle I gave her the other day, but to keep it just as she received it."

This letter was detained by the gaol authorities, and the police went to Webster's house for the package. It was found to contain two formal acknowledgments of indebtedness given by Webster to Dr. Parkman in 1842 and 1847, and a memorandum showing the total owed to Dr. Parkman in 1847. There were erasures and smudges on these documents, and on one of them someone had twice written the word "paid." All the additions appeared to be in Webster's handwriting.

An inquest was held and after nine days the jury returned a verdict that Dr. Parkman had been killed by Professor Webster. The right to a magisterial investigation was waived by the defence, and on January 26th, 1850, a true bill was returned by the Grand Jury. On March 17th of that year Professor Webster was put on his trial before the Supreme Court of Massachusetts.

Four judges, headed by the Chief Justice, were on the Bench, and Mr. Clifford, the Attorney-General, led for the prosecution, while Webster's chief counsel was a lawyer of reputation, Mr. Pliny Merrick. During the twelve days the case lasted it was marked by many emotional and dramatic scenes, as men who had been friends of both the accused and his victim gave their testimony.

The prosecution was conducted with skill and on the whole with fairness. A black mass of suspicious circumstances was marshalled against the prisoner. It was easy to show motive and opportunity for the crime, and the evidence of Dr. Keep—which seems to have moved the whole court to tears—established that the remains found at Webster's laboratory were those of Dr. Parkman. Littlefield, the chief witness for the prosecution, was unshaken by cross-examination.

Even admitting the poor materials available for the defence, they seem to have been handled poorly. There was much flourish and flappedoodle on the technical point that the exact method of death had not been described with precision in the indictment. A number of alterna-

tive defences were thrust forward, some cloudily, some definitely. Dr. Parkman was still alive; the body found was not that of Dr. Parkman; Dr. Parkman might have been killed by Littlefield; Dr. Parkman had been killed by Professor Webster in circumstances that amounted to manslaughter; Dr. Parkman had been killed elsewhere and his body taken to the College to throw suspicion on Webster. Now juries are apt to misunderstand alternative defences. To me, it seems that amid all the rhetorical high-faluting of counsel, the most convincing points were those in which he stated the suggestions of the prosecution.

The actual evidence for the defence concentrated on an attempt to deny the possibility of identifying the teeth, with showing that Webster had a good reputation, and with the statements of certain people that they had seen Dr. Parkman about the town of Boston after the hour at which it was alleged he had been murdered. It was urged, without any evidence, that Webster had gradually put by sums to meet the debt to Parkman—a statement which was met by Mr. Clifford showing exactly what had happened to all the moneys that had been paid to Webster.

Professor Webster himself, on being asked if he wished to make a statement, expressed his dissatisfaction with the conduct of the defence, and gave his own answer to some of the points made against him.

The jury retired at about eight in the evening. As one of them said later, they could have given their verdict immediately, but they were conscientious and devout men. They opened their proceedings with prayer and after some hesitation on the part of one man decided on a verdict of "Murder."

A little before eleven the jury returned. As the foreman pronounced their verdict, Webster started and then dropped heavily to his seat with his hands covering his eyes. The court adjourned, and on the following day was the prisoner brought up for sentence to be passed.



The room was packed to suffocation by an immense crowd, including many of the notables of the State. Webster was obviously much affected, and, when called upon formally to advance any reason why sentence of death should not be passed, bowed without a word.

The Chief Justice prefaced the sentence with a wordy harangue, and at its conclusion Webster wept freely. For five minutes the public were allowed to gaze at the spectacle of the despairing man and he was then removed.

A petition for a writ of error was dismissed by the courts, and Webster appealed to the Council of the State for clemency. The most strenuous efforts were made to support this plea for mercy, but it was decided that the death sentence should be carried out on August 30th.

Before this final attempt to obtain a reprieve was made, Professor Webster made a full confession to the Rev. Dr. Putnam, which was put before the Council. It was only on this confession that his wife and daughters abandoned their resolute belief in his innocence.

In his confession Webster asserted that he had asked Dr. Parkman to come to the College, not under any pretence of settling his indebtedness, but with the sole intention of pleading for more time. The sneers and taunts of the other provoked him to a wild and uncontrollable access of rage, and he had struck Parkman down with a heavy wooden stick. He solemnly denied that the murder had been premeditated. "Never, before God!"

Panic-stricken and appalled after his deed, he had locked himself in his apartments, and hastily began to dismember the body. A constant stream of water through the sink in the laboratory was used to carry away all trace of blood. He burnt some portions of the body in the furnace; he had hidden others in the tea-chest and the lavatory vault until time and opportunity to dispose of them offered. After the murder he constantly carried in his waistcoat pocket a dose of



[From a Contemporary Print.  
DOCTOR PARKMAN.



strychnine, and with this he attempted to kill himself when he was arrested.

He became contrite and resigned after his fate was finally determined. He sent for Littlefield and his wife and apologised for the injustice he had done them. "All you said was true. You have misrepresented nothing."

He told the Sheriff that he no longer had thoughts of suicide. "Why should I?" he asked. "All the proceedings in my case have been just . . . and it is just that I should die upon the scaffold in accordance with the sentence." To the keeper of the gaol he said, "Everybody is right and I am wrong. And I feel that if the yielding up of my life to the injured law will atone, even in part, for the crime I have committed, that is a consolation."

To the Rev. Francis Parkman he wrote in a spirit of deep contrition. "I had never," he said, "until the last two or three interviews with your brother, felt anything but gratitude for his many acts of kindness and friendship."

Webster went to his death with fortitude. His confession put it beyond doubt that he had killed Dr. Parkman, but in judging of its exactitude in detail it is well to remember that the confession was presented at the time of his petition to the Council of State. If the crime was one of premeditation, he could scarcely expect mercy. There were circumstances which are hard to explain by any other theory than that of deliberate and prepared design.





SUPREME JUDICIAL COURT  
OF MASSACHUSETTS, U.S.A.

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TRIAL OF  
DR. JOHN W. WEBSTER  
FOR THE  
MURDER OF DR. GEORGE PARKMAN

HELD AT BOSTON, MARCH 19, 1850

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HON. LEMUEL SHAW, *Chief Justice*

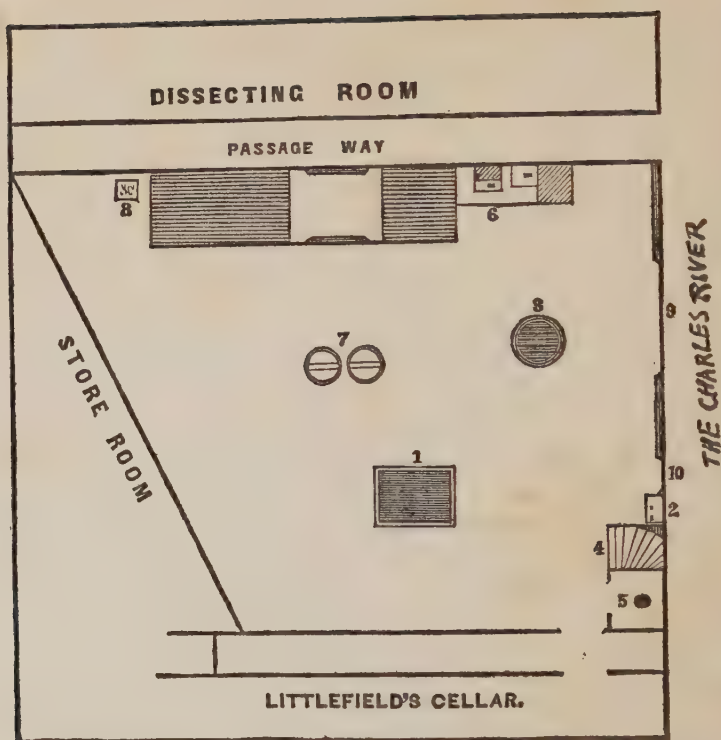
|                    |                             |
|--------------------|-----------------------------|
| HON. SAMUEL WILDE  | } <i>Associate Justices</i> |
| „ CHARLES A. DEWEY |                             |
| „ THERON METCALF   |                             |

*Counsel for the Commonwealth*

HON. JOHN H. CLIFFORD, Attorney General  
GEORGE BEMIS, Esq.

*Counsel for the Prisoner*

HON. PLINY MERRICK  
EDWARD D. SOHIER, Esq.



#### EXPLANATION OF THE DIAGRAM.

1. A wet sink, connecting with the vault by a small pipe.
2. Sink, with running water.
3. Stove.
4. Staircase leading from the laboratory to the Professor's private rooms, and encircling the lavatory.
5. Lavatory, immediately under which the pelvis, right thigh, and lower part of the left leg were found.
6. Furnace, in which were found the mineral teeth, parts of bones of the head, neck arms, hands, right leg and feet.
7. Two large casks, for chemical purposes.
8. Tea-chest, in which the thorax and left thigh were discovered.
9. A very large window, overlooking the water, and about two feet above it, at high tide.
10. Another large window, but not so wide as No. 9, also overlooking the water. Both windows are without blinds or curtains.

FIRST DAY. Tuesday, March 19th, 1850

THE Court met at nine A.M.

A jury was sworn after fourteen persons had been challenged by the Defence and ten others excepted for various reasons.

The indictment was then read. The effect of the four counts presented by the Grand Jury was :

That on November 23rd, 1849, John W. Webster did feloniously, wilfully, and of his malice aforethought stab George Parkman with a knife in the left breast, inflicting a mortal wound.

That on November 23rd, 1849, John W. Webster did feloniously, wilfully, and of his malice aforethought strike George Parkman upon the head with a hammer, inflicting a mortal wound.

That on November 23rd, 1849, John W. Webster did feloniously, wilfully, and of his malice aforethought strike, beat, and kick George Parkman upon the head, breast, back, belly, sides, and other parts of the body, and did then cast the said George Parkman down upon the floor with great force and violence, inflicting mortal wounds and bruises.

That on November 23rd, 1849, John W. Webster did feloniously, wilfully, and of his malice aforethought assault George Parkman in some manner and by some weapons unknown and so deprive him of life.

To this indictment the prisoner pleaded Not Guilty.

[OPENING FOR THE PROSECUTION]

MR. CLIFFORD.—May it please your Honours, and you, Mr. Foreman and Gentlemen of the Jury:—



In entering upon our respective duties, gentlemen, in a case of so much interest and importance as the one now before us, I am sure that none of us can need anything like admonition to impress us with the sense of our responsibility, or anything like exhortation to a conscientious fidelity in discharging ourselves of that responsibility.

I desire, gentlemen, here in the very opening of these proceedings, to apprise you of the view that I take of my duty in the case. I am here to aid and assist you, as well as I am able, in arriving at the truth. The too common idea of the functions of a prosecuting officer, that he is to press a prosecution beyond what any fair-minded seeker after truth would press it, I repudiate and disavow. I am here to represent the Commonwealth, to see that, as far as in me lies, the justice of the Commonwealth is vindicated, and the rights of every person who is charged with violating it no less protected.

In this view of our respective duties, I shall confine myself, in the opening of this case, to as plain, simple, and concise a statement as is practicable of the evidence which we expect to lay before you.

We shall offer, then, gentlemen, in the first place, evidence to show you that Dr. George Parkman, a well-known and highly respectable citizen of Boston, was living, in good health and cheerful spirits, on the morning of Friday, the twenty-third day of November last; that he was engaged in his usual occupations, on that day, up to fifteen minutes before two o'clock, at which time he was last seen alive, about entering the Medical Building in Grove-street.

He did not return to his dinner on that day; a fact which, on account of the habits of Dr. Parkman, was of itself calculated to excite some uneasiness in his family. He was a man scrupulously careful to be home at the ordinary hours of his meals; and if ever necessitated to be absent, he was most particular in apprising his family of the cause, and of his whereabouts.

His friends and his family became alarmed. They waited, however, till the next morning, before any public movement was made. On that day, those connected with him were informed of his disappearance, and a general search, though conducted with some less publicity than was afterwards resorted to, was commenced on that day—on Saturday.

Rumours of his having been seen were rife. They were traced and were found in every instance to be entirely unfounded.

Gentlemen, the entire police of this city were brought into requisition. Handbills were issued offering the most liberal rewards.

In the course of the Sunday, gentlemen, the following day after the first publication of the notices—and I now propose, for your convenience, to give an outline of what will be proved in the order in which it took place—on Sunday, his family learned from Dr. Webster that on the Friday previous he had been in Dr. Parkman's company between the hours of one and two o'clock. The circumstances under which that communication was made to the family will be a subject upon which I shall have occasion, in another stage of these proceedings, to advert perhaps, but I now speak of it only as one fact in connection with the disappearance. The search was continued through the week—Monday, Tuesday, Wednesday, Thursday, and up to Friday of the following week.

It may be stated here, perhaps, with propriety, that doubtless others may have honestly believed that they saw Dr. Parkman after that period. But so far as it has come to the knowledge of the Government, gentlemen, no person has appeared to state that Dr. Parkman was seen and conversed with from the time that we shall show that he entered the Medical College, ten or fifteen minutes before two o'clock on that Friday; and the inevitable and unavoidable inference is that he is dead.

The evidence will show how thorough the search was.

The river was dredged. The yards, the outbuildings, the dwelling-houses in the west part of the city, where Dr. Parkman was known to have had a large property, were thoroughly and faithfully searched.

On Monday and Tuesday, gentlemen, there was a search at the Medical College. I merely state now that this search at the Medical College was a mere formal one; no suspicion on the part of the police then having attached to Dr. Webster; and such a suspicion, of course, being very unlikely, unless upon some strong ground, to be fastened upon him by anyone.

On November 30th, the Friday after his disappearance, in the vault of a lavatory connected with the defendant's laboratory at the Medical College, were found parts answering to the description of Dr. Parkman. They consisted of a pelvis (the hip bones), the right thigh (from the hip to the knee), the left leg (from the knee to the ankle); and with them were found certain towels with the initial of the prisoner, and similar to those used by him in his laboratory. On that day, Friday, and the next day, Saturday, were also found in the furnace of Dr. Webster's laboratory, fused in with the slag and cinders—fused in indiscriminately with the slag, the cinders, the residuum of the coal—a great number of bones, and certain blocks of mineral teeth. Certain quantities of gold which had melted were also found, and other substances, which will be disclosed to you by the testimony.

On Saturday morning, or in the course of the day, in addition to what I have already stated as found in the laboratory, in a place where it had been noticed but had not been examined, there was found a tea-chest, containing, imbedded in a quantity of tan, and covered with minerals, the thorax or entire trunk of a human body, the left thigh, from the hip to the knee, and a hunting-knife, of a peculiar character, and around the bone of the thigh a piece of twine or marline—a specimen of which will be produced here, with other specimens

found in his laboratory. These parts were subjected to the examination of competent medical and scientific men. They were put in apposition—I speak now of the parts found in the lavatory and in the tea-chest, independent of the bones found in the furnace—they were put in apposition, and found to resemble, in every particular, the body of Dr. Parkman, or such portion of the body as these parts corresponded to; and in no single particular dissimilar to the body of Dr. Parkman.

There were missing from this human body, when placed in apposition, the head, the arms, hands, of course, both feet, and the right leg from the knee to the ankle. The evidence will probably satisfy you, gentlemen, that they belonged to a person about the age of Dr. Parkman. He was about 60 years of age. The evidence will also show that the form was peculiar, as his was peculiar. It will be testified to you by the witnesses, that the height, 5 feet 10½ inches, corresponded precisely to the height of Dr. Parkman, taking, as the witnesses will explain to you, the average length for these missing parts—the head from the neck, and the foot from the ankle.

Of the bones found in the furnace, not a fragment was found which duplicates any one found in the vault or the tea-chest, but every particle of bone belonged to some part of a human body not found in that vault and tea-chest; showing that unless by a miracle they agreed, the bones found in the furnace, the parts found in the tea-chest, and the parts found in the vault, all constituted portions of one human body.

There will also, gentlemen, be some evidence which will perhaps indicate to your minds a probability at least, if not a conviction, that some of the bones found in the furnace were fractured before they had ever been subjected to the action of fire—the bones of the cranium.

Then, gentlemen, you will have placed for your inspection a block of mineral teeth, which was found in



that furnace, which will be testified to by two gentlemen, accomplished dentists, to be the teeth of Dr. Parkman, made for him in 1846, upon an occasion which Dr. Keep distinctly recollects, recognising his own work, and beyond that giving you the grounds upon which he feels the confidence that he will express in his testimony; a confidence so strong, from his recollection of the work itself, and the formation of these teeth, the peculiarities of their formation, and other facts, that if he had seen them in Africa, or beyond the sea, he should have known them to be the teeth which he made for Dr. George Parkman, in the autumn of 1846. There were other portions of mineral teeth found, which will go to aid you in your judgment of the reliability of the testimony of Dr. Keep, but which are not so characteristic as the block of which I speak. It will be shown that Dr. Keep has in his possession, and can produce now, a mould of the entire jaw of Dr. Parkman, taken at the time he made this block of mineral teeth. You will see, by that mould, which will be testified to you by Dr. Keep, that it is a mould which showed the peculiar conformation of Dr. Parkman's jaw—a peculiarity so great, that you could not find, through any caprice of nature, another precisely like it.

It will appear from the evidence, that these mineral teeth must have been cast into that furnace in connection with the head. That will be made perfectly clear and apparent to you, upon the evidence, found in connection, as they are, with certain portions of the bones, which will be explained to you by another medical, anatomical and scientific witness.

Beyond this, you will have exhibited to you, from among the bones, the bones of the right lower jaw, found in that furnace, in fragments, in portions, there broken and with serried edges, put together to show that they belonged to one and the same jaw; and the conformation of that jaw, when thus put together, you will find precisely like that taken in the mould in 1846, by Dr.

Keep. This will be the nature of the evidence to satisfy you that Dr. Parkman came to his death as charged in that indictment, and in connection with the Medical College.

There are one or two points, before proceeding to the other evidence, which I shall offer, to which it may be proper, in this connection, to advert. The thorax, which I have spoken of as having been found in the tea-chest, exhibits a perforation, upon which there will be evidence laid before you to show that it was a wound which penetrated between the ribs, taking off a portion of the membrane which covers one of the ribs, and entering the region of the heart. It will also appear to you, gentlemen, that to these remains there have been chemical applications made of strong alkalis, which, upon a chemical analysis, is found to be demonstrated by an accomplished chemist, who will be here to state the result of his examination. The inferences to be drawn from these facts cannot now be properly presented.

It will be demonstrated to you, that these remains are not the remains of a subject in the Medical College, for two reasons : one, that there was no injection in the veins of any preservative fluid, which is the invariable custom there ; and, secondly, that all the subjects are accounted for, independent of this, by Dr. Ainsworth, who keeps an accurate record of them.

The evidence will show you, that the remains were separated (I was about to say mutilated, but separated, perhaps, will be a better word) by some person having an amount of anatomical skill, though evidently not dissected for anatomical purposes.

Well, gentlemen, if Dr. Parkman was murdered, and you are satisfied of it, then comes the other great question, Was it by the prisoner at the bar ? This inquiry will lead us back to the state of facts long prior to the disappearance of Dr. Parkman. We shall offer evidence to show the connection between the deceased and the prisoner. There has been a business relation between

them since the year 1842, when there was a loan of money made by Dr. Parkman to Dr. Webster. Since that time, Dr. Webster has been embarrassed, and even reduced to great straits, for money—so much so, that certain property which he had had been subject to certain conveyances, which we shall put into the case, and ask you to judge of them. At the time when this death of Dr. Parkman occurred, all the personal property which Dr. Webster had in the world was under mortgage to Dr. George Parkman.

Dr. Parkman was a large property-holder. He was accustomed to make loans to others; and it will probably appear to you in the evidence, that, though a liberal man in his gifts, he was very exact in all his business relations. A just man himself, he exacted justice from others; willing to be judged by a strict rule himself, he wished to judge others by the same rule.

He loaned the prisoner, in 1842, \$400, and took his note for it. This continued along to 1847, at least, not paid in full, when Dr. Parkman made one of a number to loan to Dr. Webster a certain sum of money, to meet the pressing demands against him. Arising out of, or connected with, these transactions, Dr. Parkman took from Dr. Webster a mortgage on all his personal property, including his household furniture and his cabinet minerals, to secure what was advanced, and also to secure the balance which was due from the note of 1842, that balance being \$342.83. In April, 1849, such were the relations between these two parties. A friend of Dr. Webster's had an interview with Dr. Parkman, and furnished a statement of the amount then due from Webster to Parkman, which was \$427.27.

About that time, Dr. Parkman was informed that this property mortgaged was sold to his brother-in-law, Robert G. Shaw. It will appear that these cabinet minerals, and all his other property, being under mortgage to Dr. Parkman, he made an application to Robert G. Shaw to raise money by loan, offering these very

minerals which were under mortgage to Dr. Parkman, and representing his necessity as so great that an officer was about to enter his house and take his household furniture for debt. Mr. Shaw, commiserating his condition, having no knowledge that his brother-in-law had already a mortgage upon all his property, agreed to advance to Dr. Webster the sum of \$1200. He did advance it in different amounts, and I believe one portion of it by a note, which Dr. Webster had discounted at the Charles River Bank. Subsequently, Dr. Parkman learned of the conveyance of these minerals to Mr. Shaw, and was greatly incensed, and thought it an act of fraud, and avowed his determination to make him pay his debt.

The evidence will show you that from this period he constantly pursued him as a creditor who felt that his confidence had been violated, and who regarded his debtor as a fraudulent and dishonest man. Indeed, the evidence will show you that he not only held these opinions, but communicated them very recently, before his disappearance, in a message to Dr. Webster himself. It will also probably satisfactorily appear, gentlemen, that Dr. Webster had obtained further and further delay from Dr. Parkman, under a promise that he would pay him from the proceeds of his tickets for the lectures in the Medical College.

And here I ought to show you his connection with the Medical College, as independent of his Professorship in Harvard College. He was a Professor in both. His compensation for services in the Medical College depended generally, as I understand it, upon the sale of tickets to the students. It is not material whether I am right in this statement or not, but I understand that the compensation depends principally upon the sale of tickets. The Professor had made an arrangement with a Mr. Pettee, connected with one of the banks, to act as collector of the money paid for these medical tickets. These lectures commenced on November 7th. Dr.



Parkman, as early and as promptly as November 9th, having in view the purpose which he had avowed of compelling Dr. Webster to pay his debt; and having, also, in his memory Dr. Webster's promise to the payment of the debt out of the proceeds of the sales of tickets—the lectures having commenced on the 7th, Dr. Parkman calls on Dr. Webster on the 9th, and insists then upon payment of his debt. Dr. Webster then requests him to wait for a further period—that he had not yet received the money for his tickets; and he induced him, according to his own statement, to wait for a further time.

It will appear, gentlemen, that at that time Dr. Webster had in fact received a considerable portion of his money, but it had gone to other purposes than the payment of Dr. Parkman. There were other debts hanging over him from the medical Professors. There was one note to Dr. Bigelow, which was paid.

Dr. Parkman, still pursuing him, not satisfied with his explanations, on November 12th calls on Mr. Pettee, the collecting agent, to ascertain what may be Dr. Webster's condition, and determine how much he has in his hands. He calls again on the 14th, two days afterwards, and then he threatens a trustee process, or speaks of it as the only mode of getting his pay from Dr. Webster; and then he sends a message by the collector to Dr. Webster, saying that he was a dishonourable and dishonest man. On Monday evening, after the repeated subterfuges of Dr. Webster, he calls on him again, and says, with anger, that something must be done. On the next morning, Dr. Webster writes a note about the interview. On the day before his disappearance, Dr. Parkman rides out to Cambridge, still in pursuit of Dr. Webster. And this was the relation of these parties on the morning of that fatal November 23rd. The improvident debtor evading payment of his debt! The creditor resolutely pursuing!

On that morning, November 23rd, Dr. Webster called

at the residence of Dr. Parkman, in Walnut-street, and there made an appointment to meet him at his rooms, to pay him, at one and a half o'clock on that day. That is a fact, and will be proved. Though no person in the family knew that Dr. Webster was the man who called, yet the whole evidence will show you that this must be the case. He did not call at Dr. Parkman's house to pay him, but to make an appointment with him to meet him there at a time when the College would be vacated by the students, his lecture terminating at one o'clock, and the meeting being between one and two. Dr. Webster has an interview with Mr. Pettee about nine o'clock on that morning. Mr. Pettee was anxious to get out of his hands whatever he had, in consequence of his having been requested by Dr. Parkman to pay him what was due. He sought Dr. Webster at the Medical College, and paid him the balance of \$90, which was what he had in his hands, and there informs Dr. Webster of Dr. Parkman's threats of the trustee process, and he then makes the reply to Mr. Pettee, "You will have no further trouble with Dr. Parkman, for I have settled with him."

Perhaps I may as well state in this connection as any other, that, from the beginning to the end, it will appear that Dr. Webster had held out to Dr. Parkman the expectation, and that Dr. Webster had represented to others besides Dr. Parkman his intention, of giving this money from the sales of tickets to Dr. Parkman. We shall show you that in that Dr. Webster has falsified. We shall show you that not one dollar of that money received from tickets could have gone to Dr. Parkman. This \$90, received, on the morning of the day of the disappearance, from Mr. Pettee, was in his possession the next day, and was deposited by him in the Charles River Bank. His account there will be open to any explanation which the prisoner and his counsel may be enabled to give.

Dr. Webster's lecture-days were Tuesday, Wednesday,

Thursday and Friday; he had no lectures on Saturday or Monday. And, therefore, you will observe that the longest interval he had during the week, when his official engagements did not call him to the College, was after Friday. It will appear that on that Friday he remained at the College till after candle-light; that he was seen by more than one person at so late a period as that; that he was there again on Saturday—at the College; that he was there again on Sunday—an unusual thing; that the doors, which ordinarily and usually had been left unfastened when he was absent from the College, were fastened, and that the key of one door, which he kept deposited in a certain place, up to that period, and to which one witness, who had occasion frequently to go to his rooms, had access, was removed by Dr. Webster himself, and carried away from the building; that on Saturday, which is the cleaning day in the Medical College, the day for cleaning the rooms, the janitor, who had charge of these rooms, and whose duty it was to clean up for the next week, went into Dr. Webster's room. I hope that you will be able to understand the locality. There may be some difficulty in making my present opening statement clear to your correct appreciation of all the points which it may be necessary for me to suggest. We shall endeavour to obviate that difficulty.

I was observing that on Saturday he went into Dr. Webster's back room, which is a room in the rear of his lecture-room—not into the laboratory, which is below, on the basement floor; that he went into this room, and that he tried to go down to the laboratory, and that Dr. Webster ordered him out through the lecture-room door.

I have already said that Dr. Parkman's friends, after making an anxious search for him on Saturday, had gone so far, on that day, as to publish his disappearance in the evening papers. It will appear that Dr. Webster took one of those evening papers, which contained the advertisement. It will also appear to you—a vast and im-





[Contemporary Print.]

THIS TIME PROFESSOR WEBSTER WAS READY FOR DOCTOR PARKMAN.





portant fact in this connection to be stated—that Dr. Webster's relations to certain members of the family of Dr. Parkman were somewhat peculiarly intimate; that to Dr. Francis Parkman he had been a parishioner, with his family; that a very short time previous to this evening, Dr. Parkman had gone out to perform a pastoral office of friendship for Dr. Webster; and that their families were on terms of considerable intimacy—that their families were, whatever may have been the relation between the heads of those families. The first disclosure of the fact of an interview which took place between Dr. Webster and Dr. George Parkman is made by Dr. Webster to Dr. Francis Parkman himself, on the afternoon of Sunday. During the Saturday previous, and Sunday morning, the family of Dr. Parkman were in a state of intense anxiety, and the first intimation that he had been with Dr. Webster was in the afternoon of Sunday, between three and four o'clock.

It will appear to you that Dr. Webster did know the fact of the disappearance on Saturday evening; that he stated that he saw it in the *Evening Transcript*; and that there was no communication to the family of Dr. Parkman till four o'clock on the afternoon of Sunday; and then it was made in such a manner, and in such a spirit, as to have excited the surprise, to say the least, of Dr. Francis Parkman, to whom the communication was made. The manner of making that communication will be a fact in this case, which the Government will lay before you from the testimony of Dr. Francis Parkman himself. It will appear that on that day, on Sunday, he made the statement to Mr. James H. Blake, to Mr. Littlefield, the janitor, in company with Mr. Calhoun, to the toll-gatherer, and on that evening to Mr. Thompson, a clerk in the Registry of Deeds, at Cambridge. I shall not forestall your judgment by stating these facts more minutely. I prefer that you take them from the witnesses.

Substantially the statement is, that Dr. Parkman came to the Medical College by an appointment Dr. Webster

had made with him on the day, under a promise to pay the note; that he did come in; that Dr. Webster paid it in the lecture-room, stating the precise amount; that he immediately received it, and started to go out, without leaving any evidence of its having been paid; that, on Dr. Webster's reminding him of this, he thereupon turned back, and dashed his pen over the signature of the note—over the signature, gentlemen—telling Dr. Webster that he would attend to the cancelling the mortgage at Cambridge; and that Dr. Parkman left him there, going over the staircase two steps at a time; that he had no recollection of the money which he gave him there, but at another time saying that among the notes was a \$100 bill of the New England Bank. The statements of Dr. Webster are not consistent. He has stated to one witness that there were two persons present, to others that there was no person present; to one witness that he did not know what the money was, to other witnesses that he did remember that there was a \$100 bill of the New England Bank. And, throughout the whole of this transaction, it has been placed by him distinctly upon the ground that he did, from the proceeds of the tickets to that course of lectures, pay to Dr. Parkman \$463.84, which was the amount that was due to him.

You will find that Dr. Webster's statements are irreconcilable. We shall produce evidence to show that his whole statement is a fable and a pretence: that he did not pay Dr. Parkman the money which he said he did. We shall show you, gentlemen, that all the money for the sale of these tickets went elsewhere.

Then, gentlemen, you will have occasion, going on further in his conduct during that week, to examine a variety of facts like these: That, you will remember, was Thanksgiving Week. That Thursday, November 29th, was Thanksgiving Day. It will appear that after Tuesday of that week there were no lectures at the College. It was a week of vacation, of leisure. Yet,

gentlemen, during that week, Dr. Webster is present at the College, at times constantly, which was unusual. It will be placed in evidence before you, that he wanted no fires made in his rooms that week ; and yet, gentlemen, we shall satisfy you that he had fires that week, built by himself, of a more intense heat than had ever been built there before.

We shall show you, gentlemen, that as early as Tuesday of that week he made a purchase of several large fish-hooks, which were found afterwards upon the premises, under certain circumstances, which the evidence will connect, probably, to some extent, with these remains ; that on the Friday following, he purchased, or attempted to purchase, other fish-hooks ; but that, in point of fact, he did purchase fish-hooks on Tuesday.

It will be shown to you, that there was found in the Medical College, in his apartments, a grapple, made of fish-hooks ; that the fish-hooks were fastened on to a staff by a peculiar species of twine, or marline, quite peculiar in its thread or twist, as will be testified to you by an expert. And that around the thigh-bone is a piece of the same description of twine and marline, and upon the exhibition of the two pieces of twine—upon the exhibition of these same pieces which were found—you will be called upon to state whether they are alike.

Then I have adverted, also, to something which will come now before you, in connection with the deportment of the prisoner—to the fact that his rooms were searched, The evidence will show you that his rooms, or some of them, were passed through by some of the police officers as early as Monday ; that on Tuesday, Mr. Kingsley, the agent of Dr. Parkman, whose mind had become impressed with the conviction that he never came out of the Medical College, went there, to the Medical College, with the police, and that they went through the rooms of Dr. Webster, Mr. Kingsley being present with the officers ; that at that time, on Tuesday, the officers, in company with Mr. Kingsley, the agent of Dr. Parkman,



the man who had been engaged in the transaction of his business for several years, and who felt great interest in this search, went through these rooms. The conduct of the prisoner, at that time, will be shown; the fact that the officers suffered themselves to be called off from the lavatory; that the officers, when asking about that, and when replied to by Mr. Littlefield, that it was the private lavatory of Dr. Webster, who has the key, were led off by Dr. Webster to another room, they not having any suspicion of Dr. Webster, and most reluctant to believe anything against him; that there was a fire in the furnace at that time; that during that search, the tea-chest, in which these remains were found imbedded in tan, was seen by Mr. Kingsley, which you will consider a very material fact, when you weigh all the circumstances.

Then, gentlemen, it will appear to you in evidence, that on Monday Dr. Webster gave directions to the express man, who had always been in the habit of going in with entire freedom—to bring certain things from Cambridge, which he did bring on that day, certain fagots and boxes, and told him to leave them outside; that on Wednesday he carried other things there, and went to Mr. Littlefield's apartments; that Dr. Webster usually kept the key; that the key was gone, and he had then to leave his things outside.

In the course of that week, Dr. Webster was extremely anxious to have it appear, in his conversations with various persons, that Dr. Parkman had been seen going over to Cambridge, after he was said by him to have been at the Medical College. His manner was striking, and the circumstances under which he displayed it were peculiar. You will probably give a great deal of significance to this. We shall show that he went so far as to urge upon one lady the declaration that she saw Dr. Parkman on the afternoon of Friday, she believing that, if she saw him at all, she saw him on Thursday; that Dr. Webster went to her and asked her whether she was certain, and related certain circumstances which will have

an effect in determining your minds with respect to the sincerity of Dr. Webster.

On the same day, he went to a mechanic in this city, and having ordered a stout tin box, made declarations of Dr. Parkman's having been seen in Cambridge; and he also went on, in the same interview, and stated a story, which he said was verified, that, through certain mesmeric operations, it was discovered that Dr. Parkman's body was found, and that it had been carried off in a cab, upon which there was some blood. This he stated on Friday, the day of the arrest.

That box he was very anxious to have made very strong, and in such a manner that he could solder it up himself perfectly tight. The particulars of that interview, and the fact that Dr. Webster had never had such a box made before for him, by the mechanic, Mr. Waterman, although he had had a long account with him for a series of years, will be put in evidence before you. He gave orders, in relation to it, which were somewhat inconsistent. The cause of it, however, the Government cannot explain. I trust that he may.

Then, there is another branch of this case, to which the Government will ask your intelligent attention.

On Thursday, gentlemen, certain steps were taken, in consequence of certain suspicions which had before been conceived in the mind of Mr. Littlefield, the janitor of the College, to make an investigation, which had not been made by the police, of the vault of the lavatory connected with Dr. Webster's laboratory. The officers on that day went down and examined that vault, and it will be made apparent to you that there was no mode of access to this except through the lavatory above, of which Dr. Webster himself kept the key.

I think you will find, by this evidence, that, as early as the declaration made by Dr. Webster to Mr. Littlefield on Sunday evening, Mr. Littlefield conceived the suspicion that Dr. Webster knew something more than others about the murder of Dr. Parkman; that he com-

municated his suspicion on Sunday evening, two days after the disappearance of Dr. Parkman. During that week, he acted in honest belief of that impression, and you will look upon him in some degree as the dependant of Dr. Webster, he being the assistant of the Professors, and relying upon them for his bread; and you will consider how such a man, having a suspicion, would proceed with caution, with the greatest deliberation, fearful that it should ripen into certainty, but that he did act with honest suspicion, until, on Thursday, he attempted to open that vault, which, in addition to Dr. Webster's private room, was the only part which had not been searched. He commenced the work, and found it more difficult than he anticipated; he still continued it, however, till he had made something of an aperture, there being several courses of bricks. On Friday morning, not having accomplished an entrance, he communicated to two gentlemen of the faculty his purpose—to Dr. Jackson and to Dr. Bigelow; and, following up their suggestions as well as his own, continued his labour; and the circumstances under which he came up from this work, which enabled him to see what first met his eyes, and afterwards startled the eyes of the whole community, you will consider. You will also judge of his deportment and conduct as he went down to Dr. Jacob Bigelow, and, not finding him at home, went to his son, Dr. Henry J. Bigelow. It will be seen that they returned; that, on their return to the College, police having been summoned, these remains having been examined in the vault, the Government, having no other alternative, arrested Dr. Webster as the murderer of Dr. Parkman.

He was arrested, and it is in this connection that it is proper that I should speak of the testimony of Mr. Littlefield, because, that night, Dr. Webster made declarations inconsistent with each other, and which, I think you will be satisfied, were inconsistent with his own belief; that he charged upon Mr. Littlefield either

the commission of this deed, or of being a conspirator. Almost in the same breath, he averred what was inconsistent with the fact of a conspiracy, that those were not the remains of Dr. Parkman, any more than they were his. After his arrest, his conduct, up to the time of the Police Court, was peculiar. He waived an examination there. You will consider all the evidence which proceeded from him, most especially his declarations with respect to Mr. Littlefield, and then you will consider certain other evidence to which I might allude if I went into the detail, which I do not intend to do.

There is one fact, however, to which I will allude, because it will show the importance of these declarations of Dr. Webster, that, on Tuesday, when that tea-chest had the minerals in it, and undoubtedly the remains in it, when there had been a fire in that furnace which must have been known to Dr. Webster—for he was present there before it—that, at that time, he had a conversation with Littlefield. He put to him the question, on Tuesday afternoon, whether he was a Freemason. Mr. Littlefield made a reply, which he will state to you. Dr. Webster then asked him if he had got his Thanksgiving turkey; and he will state that he answered him “No! he had not”; that he then brought out a written order to a provision-dealer to give him a Thanksgiving turkey; the first time Dr. Webster had ever made him a present, and at a time at which, according to his subsequent declarations, he had looked upon him with suspicion, and did not like the man.

There will be other circumstances of perhaps no less importance. He was taken, upon his arrest, to the Medical College, when these remains were brought up from the vault into the room above. The circumstances which transpired there are important, and will be detailed to you. The object in this was, to give him an opportunity to be present when the further search was made of his apartments, which had not then been opened.

There were found pantaloons, which, on examination,



had spots of blood on them, and were examined by a scientific person, who will testify to it. They were marked with Dr. Webster's name. There were found slippers and towels, nearly new,—probably never used but for this purpose,—thrown into this vault, where the tide ebbed and flowed. For this vault, I should have stated, gave access and ingress to the sea, but not to any solid substance.

These towels, with his initial, and some of them having the appearance of scarcely ever having been used, were there while this lavatory was about to be opened. Dr. Webster was asked where the key was. Mr. Littlefield had stated that it was Dr. Webster's apartment, and Webster kept the key. It was in that that these remains were found. He was asked where the key was. He pointed to a key, and said, "There it is." It was tried, and found not to be the key. But a key was found in the prisoner's pocket, which was ascertained to be the key that fitted.

There was found in his laboratory a large number of skeleton keys, which had been filed down at the edge. They were found to be keys which would fit every door, or nearly every door, in the College. After his arrest, he was asked in relation to that bunch of keys. He identified them himself, by inquiring whether they were the ones filed down at the edge. He replied that they were found in the street, and that he had carried them to his room, and thought they might at some time be of use.

There was found, upon his arrest, a paper which will be put into the case, upon which I shall be glad to have any comments by his learned counsel. It is a paper which purports to give two different versions of the interview which Dr. Parkman had with him on Friday, the 23rd of November, the character of which I will not anticipate and remark upon, but it will be laid before you for your judgment.

After his arrest, and on the Monday following, he

was brought before the Police Court of this city, and there, gentlemen, either under the advice of counsel, or without the advice of counsel,—perhaps it is quite immaterial which is the fact, with reference to the effect of the fact,—he declined and waived entirely an examination, thus admitting that there was a case containing materials upon which the Grand Jury should pass, although the consequences of that proceeding were to commit him to close confinement until the Government should be called upon to try him.

Then, after his commitment, after these proceedings had in the Police Court, he wrote a note, which, according to the usages of the gaol, could not be sent out without inspection by the proper officers, and which, upon examination, was addressed to a member of his family, and contained an injunction and direction to another member of his family, to keep certain papers which he had deposited, and not to open them. That, of course, suggested, as it naturally would, to the police, a suspicion that anything which he might wish to conceal might be important to the subject-matter of inquiry. And immediately a messenger was despatched to his residence, and that parcel of papers was called for. And it turned out to contain the two notes given by Dr. Webster to Dr. Parkman, with certain marks upon them, and a paper showing the indebtedness of Dr. Webster to Dr. Parkman, in April, 1849, with the interest upon that, in Dr. Webster's own handwriting. What explanation may be drawn from that, you can call upon his counsel and me to give. If you call upon me, I must say that I cannot explain it. But that may be put in an entirely satisfactory light by his counsel.

Then, gentlemen, the Government will probably put into this case certain testimony going to show that, in the opinion of the most expert persons in handwriting in this city, certain letters have been written by the prisoner at the bar, between the disappearance of Dr. Parkman and his own arrest, calculated to draw off the

police from the examination of the Medical College to other places, and to divert public opinion into another channel. I state this with no other knowledge of the matter than is involved in saying that these papers have been submitted to experts with that conclusion. Its value and weight you will judge of.

But, gentlemen, one thing is true—that to all this mass of circumstances no explanation has, as yet, been given by the prisoner. Nothing has been vouchsafed to the public, or to the Government, by way of explanation, of any one of these facts of which I have now informed you. The prisoner has done what he had a perfect right to do, gentlemen, if he or his counsel thought it wise to do so. He has gone into close custody, and without so much as asking the Government to disclose the grounds of the charge against him. He has been willing to remain in prison, in the dark as to the evidence which the Government had, and waiting to give, whenever the Government called upon him for his trial, his first and final explanation. I can say, gentlemen, with the utmost sincerity, if I can say anything with truth, that I trust he may be able to give that explanation which shall carry conviction to your minds, and to the minds of the entire civilised world; that however the pressure of these circumstances may be upon him, he can lift them off, and stand out in the bright light of day. If he succeeds in doing this, gentlemen, no one will have more gratification in the result than I shall; and I am sure that you will share with me in that gratification.

The Grand Jury of this County, upon these facts, and others which I do not feel called upon to present to you,—for I have only given a general view of this class of facts,—the Grand Jury of the County, having this evidence before them, and other evidence which I have not stated, have charged upon Dr. Webster the wilful murder of Dr. Parkman. They have done it in four counts; and it may be proper for me to occupy a single

moment of your attention in considering the question of law.

As I have stated, there are four counts in this indictment. I do not wish to embarrass you, or the counsel on the other side, by maintaining any proposition, or by seeming to maintain any proposition, which is not well founded in law. And I am perfectly free to say, that if I were left to my own unbiased judgment as a prosecuting officer, the remarks in the public papers, that the four counts are contradictory, would have been needless; for, in my own judgment, I should put the charge in the last count of the indictment. Still, gentlemen, as a matter of technical law, if the Grand Jury believe that there was evidence that the death of Dr. Parkman was caused, as is alleged in the first count, by the stabbing of a knife, it would be taking a very presumptuous risk for a criminal pleader to have left out a count which set that forth, because, from what I have said, there is some evidence going to show that the body of Dr. Parkman was penetrated by a wound entering his heart, which would have caused him to have bled internally; and certain indications, to which we shall refer, might be found perfectly consistent with it.

Then there is some evidence, which is somewhat mysterious now, but which may, in the developments of the future, or which might have been at that time, made sufficiently clear, to satisfy the Jury that he was killed by a stroke of the hammer on the head. And I shall state, in this connection, that a sledge-hammer, which had been in that building, was on the morning of Friday seen in Dr. Webster's room, behind the door. It was taken by the janitor away from that place and put in another, and no trace of that hammer has been found, though the building has been searched from roof to foundation. It was taken to Dr. Webster's room by Dr. Webster, unless there was some person there of whom we know not, and it was removed by the janitor



to another place. There has been a search for it, and it has not been found.

There is another count, to which it is not necessary to call your attention.

The last count charges that Dr. Webster, by some means or instruments, and in some mode or manner, to the Jury unknown, did deprive Dr. Parkman of life. And upon this, if you are satisfied that these mutilated remains were those of Dr. Parkman, and that he came to his death by Dr. Webster's hands, and that he could not have come to his death without the knowledge and concurrent act of Dr. Webster—then, although you may not be able to put your hands upon a single particle of proof as to the mode by which it was accomplished, it will be no less your duty to return a verdict of guilty. This is the view taken by the Government, and the Court will explain to you whether it is a correct one.

If the Jury are satisfied that he came to his death in any manner by the hand of Dr. Webster, the prisoner at the bar, then it presents the rule of law which we understand is settled in this Commonwealth, that a voluntary killing being proved, the law deems it to be murder, unless there is evidence arising out of the case, furnished by the prisoner, that satisfies the Jury, by a preponderance of proof, that there was either such provocation that would reduce it to manslaughter, or which would reduce it to self-defence. That must be a provocation reaching to blows, and not to words merely, of however irritating and exasperating a nature.

In these several charges, you are to consider whether it is satisfactorily shown, beyond reasonable doubt, Dr. Parkman came to his death by the violent hand of the prisoner at the bar, then, unless he proves something satisfactory to your minds which, in law, will reduce it below murder, your verdict must be that this indictment is proved.

On motion of Mr. Sohier, all the witnesses, except

those of the medical profession, and the one under examination, were required to retire and remain in a room provided for them, till required to give their testimony.

CHARLES M. KINGSLEY, the business agent of Dr. Parkman, gave evidence that Dr. Parkman had left his home at twelve midday on Friday, November 23rd. He had spoken of an appointment with someone unknown at one thirty that day. He was a man of extremely punctual habits and alarm was occasioned when he did not return.

A search was organised the following afternoon in which half a dozen police and from twelve to fifteen other persons were concerned. Dr. Parkman was traced to a store at the corner of Vine and Blossom Streets where he had left a bag containing lettuce. He was last heard of in Fruit Street moving in the direction of the Medical College.

The search was continued in various parts of the town and in East Cambridge. On Monday the witness and other persons looked over the Medical College. The door leading to Professor Webster's lecture-room was locked, and it was only after a lapse of two minutes, after Littlefield, the College janitor, had shaken the door, that Professor Webster opened it. He said very little. The party went over the building and Webster paid very little attention to them.

The next day, with Mr. Clapp and other police officers, the witness went again to the Medical College. They searched Littlefield's rooms, and after knocking

at Dr. Webster's door were admitted. Clapp said that they were about to search the whole neighbourhood and, although they had no suspicions, wished to be able to say that they had searched the College. Dr. Webster politely said they might look, but wished that nothing might be turned over.

In the lower laboratory they found a bright fire burning in a furnace. This was the furnace in which bones were afterwards found. It looked as if it had just been swept up. In the south-west corner of the room there was a tea-chest with tan and minerals in it. It was full, and the officers picked up some of the minerals and looked at them.

One officer asked about a certain door, and Littlefield said that it was Dr. Webster's lavatory. Dr. Webster or someone else called attention to the other side of the room.

The tea-chest was not searched because there was no suspicion at that time against anyone connected with the College.

Rewards of \$1000 and \$3000 were offered in connection with the disappearance and search was continued on Thursday and Friday. On Friday afternoon, in company with others, the witness went to the College again and saw Littlefield, who had spoken of breaking through the wall of the lavatory vault. Thence they went to the office of the City Marshal.

MR. KINGSLEY went on: The first intimation I had of the finding of Dr. Parkman's remains was at ten o'clock, when I went to the gaol with Dr. Martin Gay, and others. When I went in, Professor Webster lay on the bed in the cell, with his face downwards. He was asked if he was able to get up, and he said he was not. After a few minutes, they lifted him. He had hardly strength to hold up his head, and was so much excited that I thought he would not live. He was brought upstairs into the gaol office, when he asked for water, but could not drink it. The tumbler was held to his face, and he bit at it. He tried to take hold of it once, and threw the water all about him. He sat in the chair alone; only once or twice requiring any support from the bystanders. He trembled, and was so much convulsed that I would not wish to see the like again. He cried out to have word sent to his family, as they did not know where he was, and also that others should be sent for. He mentioned his family many times; when Mr. Parker said there was another family, who also had been in great distress for a week; that we were going to the Medical College, where there were some things he could perhaps explain. He said he had nothing to explain. The officers helped him into the coach. He was perspiring greatly in the lock-up, and, on Mr. Parker saying he would be cold, he answered, "his extremities were freezing." I ran down after the coach to the College, and arrived just as they had got into the small laboratory

upstairs. Professor Webster had an officer on each side, supporting him. When we got in, they proposed to open the inner room door, and asked for the key, which he said Clapp had taken from him when he was arrested; and the door was broken open. When they examined that room, I asked for the key of the lavatory. Professor Webster said it would be found on the end of the shelf. A key that was found hanging against the door would not fit. We then went down to the lower laboratory, and broke the lavatory door open.

Officers helped Webster downstairs. In the laboratory downstairs, something was said about the bones found in the furnace. Was requested to let the bones in the furnace remain till the coroner's jury should assemble. Went from thence to the trap-door; there were parts of a body taken out and lying there; the pelvis, right thigh and right leg down to the ankle. Thought it was right thigh and leg. Dr. Webster leaned on an officer; said nothing. Did not see that he appeared any different from what he had before—was a great deal excited—stood eight or nine feet from the body. After looking at it for a little while, we turned away, and Dr. Webster was taken to his carriage. I saw no more of him.

The next afternoon, there was found, in a tea-chest, the upper part of a body and a thigh. I was called from the upper laboratory. They were drawing out the tea-chest. They overturned it, and the thorax fell out, with the left thigh clasped in it between the ribs, which did not entirely cover

it, and had made indentations upon it. A large knife—should call it a jack-knife—fell out. There was a string round the body and leg, to lash them together. They were taken and washed, and given in charge of the officers. A pair of pantaloons, with blood on, was found in the closet. Dr. Charles T. Jackson said they must be kept, to ascertain whether it was blood.

A saw was also found. It was a small saw, about fifteen inches long in the blade. On the handle there were marks, as if of blood. I asked Littlefield for a pen, when he took two from a desk, and one of them, he said, I could not use. It was made out of a sort of reed. I was present when Dr. Lewis put the limbs together. The general appearance was as that of the body of Dr. Parkman. It was tall and slim; I should say five feet ten and a half. He was very spare about the shoulders and the chest. His complexion might be called sallow. His jaw was prominent—the under part, at least. I should not want to have it understood that I swear positively to the identity. I saw some bones taken out of the furnace in the laboratory.

*Cross-examination.* The morning after the arrest, I went to Professor Webster's house, and joined Messrs. Clapp, Spurr, and another. I never went on any other occasion to his house. The search was made without a warrant, on the second occasion. Dr. Parkman used hard language when he was irritated at any act of dishonesty that he conceived anyone guilty of. He was used to call names, but not to use profane expressions.

When we examined the laboratory, we took some of the minerals in our hands, and examined them. They lay all around, in barrels, boxes, and on shelves, and in the vicinity of the tea-chest. We noted the fire in the furnace before we looked at the minerals, and in Professor Webster's presence. Professor Webster let us into the laboratory, and Littlefield was with us at the time. It was the furnace in the lecture-room that we examined. Mr. Starkweather was with me at the time, and Dr. Ainsworth; and I think it was before we went to Dr. Webster's room that we examined the ashes. I do not know where the key of the vault was then. Dr. Webster was in his working dress, with an apron and cap, both times I saw him, when searching the College.

We made the first search not far from eleven o'clock; if anything, it was a little after. Can tell very nearly what time we got through the second search—it was from half-past eleven to twenty minutes of twelve. Do not think I was all the time talking with Clapp; was looking about, to see what I could discover. Looked through everything, with the exception of the lavatory, and the small room.

Am positive that I saw tan in the tea-chest, and the minerals were on top of it. The saw was a small hand-saw, such as butchers use to saw bones. Looked at the knife; there were rusty marks on it, that looked like blood; could not say whether it was blood or not; I refer to the knife found in the tea-chest. On the knife that was found upstairs there were



marks on the handle (very slight marks), that were supposed to be blood.

PATRICK MCGOWAN, a servant, remembered a caller on the early morning of the day Dr. Parkman disappeared. He could not swear it was the prisoner. He last saw Dr. Parkman at eleven o'clock that day.

ROBERT G. SHAW.—I am the brother-in-law of the deceased. The doctor was intimately acquainted with the defendant. The first that I knew of Dr. Parkman having lent Dr. Webster money was when I told him that Dr. Webster had sold his minerals to me. Last saw Dr. Parkman on the day that he was missing; he called upon me on the morning of that day, between nine and ten o'clock; we walked down together as far as State-street. There was nothing unusual in his appearance. Saturday morning, Mrs. Parkman sent in, and requested me to come in and see her. I went, and found her in great distress; she stated that Dr. Parkman had not been home. I then proceeded directly to my brother-in-law, the Rev. Dr. Parkman, and told him.

That evening, an advertisement was published, directed by me; the reward of \$3000 was offered by myself, and subsequently a reward of \$1000 for the discovery of the remains. Gave a general direction to the search during the following week. First saw the remains of the doctor the evening they were discovered; have seen them since, when they were placed together. I did see some marks

which induced me to believe they were his remains; they were the hair on the breast and leg, the colour of which exactly corresponded with what I had seen. The height and size of the remains certainly corresponded with a figure like that of Dr. Parkman. There was nothing dissimilar about them from what I knew of Dr. Parkman. If I had not known that Dr. Parkman was missing, I should not have thought the remains were his.

On April 18th, 1848, I received a note from Dr. Webster, asking for a private interview. He came the next day, and expressed to me his great embarrassment, and great want of money; he said that he expected that a sheriff would be at his house, to take his furniture, if he could not raise a certain sum of money, to pay off some pressing demands. He then pressed me to buy a cabinet of minerals in his possession. I told him I did not want them. He told me that perhaps at some future time I might want them, to make a donation. I said I had no such purpose in view. He told me the sum he wanted was \$1200; and he pressed me so hard with regard to his family, and other reasons that worked upon my feelings, that finally, after reflection, I thought I would relieve him. I asked how much he required immediately. He said, \$600. I told him that I had not the money, but that if he could get my note discounted at any of the banks, I would purchase his minerals. In the course of the afternoon, he came into my counting-room, and said he had succeeded with a bank—the Charles River Bank, I believe. Afterwards

he brought me a catalogue and a bill of sale of his minerals. I did not examine them particularly. On January 6th, I gave him \$200 in cheque, and on August 31st my note for the balance. He then said that there were some of the minerals in the Medical College that he should like to keep. I told him that if he would pay the interest on the money I had advanced, he was at liberty to keep them, and there the matter rested; he has paid me no interest since, and I have not called upon him for any. Subsequently, I was walking with Dr. Parkman, and we met Dr. Webster passing. I

asked Dr. Parkman, What salary has Dr. Webster at Cambridge? He answered, \$1200. I said that was not enough, for he has come to me to sell his minerals. Said Dr. Parkman, They are not his to sell; and he took me to his house, and showed me the mortgage. He then said he would see Dr. Webster, and give him a piece of his mind. Dr. Parkman left a wife and three children—two sons and a daughter. His daughter had been an invalid for several years—so much so that he did not expect she would recover. He was the most punctual man I ever saw.

[The Court adjourned.]

## SECOND DAY. Wednesday, March 20th

THE Jury examined the Medical College, and the Court sat at twenty minutes to ten o'clock. The Counsel for the Commonwealth produced and exhibited full plans of the various floors of the Medical College, and a wooden model of the whole building, capable of being dissected so as to expose all the floors and partitions.

FRANCIS TUKEY.—I am City Marshal; was informed of the disappearance of Dr. Parkman on the forenoon of Saturday, November 24th. I ordered the police to inspect and make inquiry around the premises of Dr. Parkman. They could get no information concerning him, only that he had been seen in the neighbourhood on Friday. This information was given to Dr. Parkman's friends by me, and I also advised them to advertise his disappearance, which they did.

During the search men were sent in all directions for 50 or 60 miles, on all the railroads—to all the towns on the coast, including those on both sides of the Cape. We searched over land and water, and under water. We published and circulated 28,000 copies of four handbills. The first merely stated that Dr. Parkman was missing. It was published on Sunday, the 25th. The second, published on Monday, the 26th, offered a reward of \$3000 for the discovery of Dr. Parkman.

The third offered a reward of \$100 for the recovery of a watch, without saying whose watch it was. It was a watch that had been in the possession of Dr. Parkman. The fourth was published November 28th, and offered a reward of \$1000 for the discovery of Dr. Parkman's remains.

I first heard of the discovery of remains at the Medical College on Friday, November 30th. Went immediately to the Medical College. We went into the cellar room and thence down a trap. Littlefield, Trenholm, Clapp, and I went down together. The trap-door is on the same level with Mr. Littlefield's apartment, in what might be called the basement of the building. We passed a good distance below, and over an uneven surface, for about 60 feet, to a corner. In this corner there was a cross wall, in which there was a hole made about 18 inches square; the mortar and bricks lay around, as if freshly broken down from the wall.

When we came up to the corner

where the hole was cut in the wall, I took the lamp and reached into the hole, and looked about. I saw what I thought pieces of flesh. The water from a sink was running and spattering about. I asked Trenholm and Littlefield to go in. We got a board, and they passed out three parts of a body. I asked, as a matter of form, of Dr. Bigelow, if these were parts of a human body; and he said yes. I then inquired whether it was part of one which had been prepared for dissection. He said it was not. I asked Littlefield whether there was any entrance to the vault, except through the lavatory hole, and the aperture, at which we stood. He replied that there was not. We brought the remains out, and placed them in the apartments above, on the same floor with the laboratory. I went into another room, while the men searched the laboratory and lecture-room. I afterwards went upstairs (having been told by the men that they had found something). I then went into the lower laboratory, and the officers with me. I stopped near the furnace. I saw officer Clapp with something like bones, which I ordered to be let alone until a commissioner of the Court could take them into his charge. I then sent for Professor Webster, and in the meantime went back to the house of Robert G. Shaw.

*[Mr. Tukey here opened a box which he had had in his custody since the contents were found. It contained miscellaneous matters; among them, parts of bones calcined, and stuck among slag, or the vitrified remains of coal or other mineral*

*substances, which had been burnt. A knife, with a silver hilt and sheath, was also among the contents. The blade of the knife was about ten inches long, and sharp on both edges, with a fine, tapering point.]*

An article was also found that seemed like some teeth. After these things had been found, I left the College, and did not return that night.

*Cross-examination.*—I proposed the printing of a bill on Saturday. The next in order I also advised to be written, and did write it myself, I think. One was signed by Mr. Robert Shaw, and another by me. The breach in the wall was half-way from the floor to the ground, and a perpendicular line from the hole above would drop within 18 inches of its inward surface. One part of the remains lay near the wall, and the others separated a little from it. They were not exactly below the hole above the lavatory, and I cannot say how far off they might be. I am not aware of the relative positions of the different parts. The ground rose to the wall, and the remains lay on the side of the plane formed by the rise of the ground. It was the north wall of the lavatory.

CALVIN G. MOORE swore that he saw Dr. Parkman in Holland's store on November 23rd at a time that could not have been less than 10 minutes to 2.

MARTHA MOORE, wife to the last witness, said that she had sent her son George to school at 10 minutes to 2 on November 23rd.



GEORGE M. MOORE, a schoolboy, stated that he had seen Dr. Parkman in Fruit Street at 10 minutes to 2 on November 23rd. At that time he was on his way to school.

DWIGHT PROUTY, jun., another schoolboy, gave similar evidence.

ELIAS FULLER.—I carry on the iron foundry near the Medical College. My counting-room is on North Grove Street, about seventy-five feet from the Medical College. I knew Dr. Parkman. I saw him on Friday, November 23rd, 1849, between half-past one and two o'clock, in North Grove Street. I saw Dr. Parkman some time—I think, a few minutes—before two o'clock.

ALBERT FULLER (a brother of the former witness).—I knew the late Dr. Parkman, I last saw him on the 23rd of last November, as he crossed Grove Street towards our building, and passed towards the Medical College. He bowed to my brother as he went past. The time of the day I cannot tell to a minute, but it was nearer to two than half-past one o'clock. I was on the spot all that afternoon until night, at my work, and I never saw Dr. Parkman afterwards. My position was such that no one could pass in Fruit Street, without my seeing him.

Mr. Littlefield came to my house on the Friday after Dr. Parkman's disappearance, and borrowed a chisel from me. My brother lent Mr. Littlefield a hammer and a bar that day. Mr. Kingsley called on me the same day.

LEONARD FULLER, brother to the

last witnesses, said that he lent Littlefield a hammer and a bar on the day on which the remains were found. He also had a turn drill. After having it away for about an hour and a half, he came back and wanted a hammer and a chisel. He had off his coat and jacket, and was sweaty. His clothes were dirty. I saw no more of him that night. I knew Dr. Parkman, and saw him on November 23rd, but cannot say positively at what time.

PAUL HOLLAND.—I am a grocer; kept formerly at the corner of Vine and Blossom Streets. Saw Dr. Parkman Friday, November 23rd; he came into my store between 1 and 2 o'clock; he stayed about 15 minutes; he bought 32 lb. of crushed sugar, and 6 lb. of butter. Brought in a paper bag which he left till evening; I opened it; it contained lettuce. Mr. Calvin G. Moore was in the store when Dr. Parkman was there. Clerk was gone to dinner; he dines at 1 o'clock. Came back 10 or 15 minutes after Dr. Parkman left. Dr. Parkman was not in a hurry.

JABEZ PRATT (one of the Coroners of the County) gave evidence of the demeanour of the prisoner after his arrest and the search at the College.

DR. WINSLOW LEWIS, jun.—Called to the Medical College on Saturday, by Coroner Pratt; Drs. Martin Gay and Charles T. Jackson were with me. I called on Drs. Geo. Gay, J. W. Stone, and Jeffries Wyman, to assist me. Dr. Wyman took charge of the bones found, and certain articles that had blood on them. Drs. Gay, Stone,

and myself prepared a report on the five pieces of a body that were found in the lavatory; it was reduced to writing, signed, and sworn to.

A very broad, discoloured and hardened stripe extended from the left shoulder to the hips; the rest of the skin was of a natural appearance, except a slight greenness at the arm-pit. There was a ragged perforation under the left nipple. There was nothing which was unlike what I should expect to find

in the body of Dr. Geo. Parkman; they were not apparently portions of an anatomical subject for dissection. There was no preservative fluid in the vessels, as there would have been if it was a subject. There could not be the least doubt that all the five pieces belonged to the same body. A mass of mineral teeth was given to me by Coroner Pratt; handed them to Dr. Keep the next day.

[The document above referred to was here read:]

REPORT OF THE MEDICAL COMMITTEE ON THE INVESTIGATION OF  
THE REMAINS

Drs. Winslow Lewis, jun., George H. Gay, and James W. Stone, being severally sworn, on oath depose as follows:—

Having been directed to make a *post mortem* examination, at the Boston Medical College, in North Grove Street, attended to that duty December 1st, 1849, at ten o'clock, A.M., and examined five portions of a human subject, viz.: a thorax, a pelvis, two thighs and a left leg. The thorax and left thigh were discoloured, apparently with tan and some caustic substance. The three remaining ones were white, fair, and appeared as if soaked in water. The cartilage on the head of the left thigh-bone was coloured black. The following is a description of the five portions separately:—

I. *Remains of Thorax*, and parts attached to it, which consisted of all the bones, except the sternum. Fracture of the fifth right rib, apparently recent, and about four inches from division between ribs and sternum.

Both clavicles and scapulæ present; clavicles large. Both lungs present, but collapsed. Left lung had pleural adhesions. Structure of both lungs apparently healthy.

Anterior thoracic muscles cut up from the ribs, about six inches from the centre, on each side, and with the skin thrown one side.

Posterior portion of integuments from the left scapula to the lumbar vertebræ of a dark mahogany colour, and hardened. Remaining portion of integuments gener-

ally of a natural appearance, except a little greenness under the right axilla, probably from commencing decomposition, and some blueness under the left axilla, leaving the skin soft and easily broken, through artificial action exerted upon the hair and skin, as far forward as the section in the median line.

An opening, slightly ragged, about one and a half inches in length, under the left nipple, between the sixth and seventh ribs, extending into the cavity of the chest.

Remains of thoracic aorta and thoracic œsophagus present. Heart and diaphragm wanting. Trachea divided through the cricoid cartilage. Spleen contracted, externally granulated and internally red. Left kidney in its natural position, and contracted. No liver, right kidney, pancreas, stomach or intestines.

*Nota Bene.* The right kidney, much contracted and discoloured, was discovered on the next day, and given to us.

Sixteen vertebræ present, consisting of three lumbar, twelve dorsal, and the greater portion of the seventh cervical, which appeared to have been sawn through the upper part. Small quantity of long, greyish hair on the front of the chest. Some stained dark greyish hair on the back.

Periosteum removed from the front part of several left ribs. Both arms severed in a very irregular and unscientific manner.

II. *Pelvic portion* consisted of the bones of pelvis, two of the inferior lumbar vertebræ, all the integuments, muscles,

organs of generation and the pelvic viscera generally. All of the intestines remaining was about six inches of the rectum, through the anterior and external portions of which a section had been made, and the mucous coat separated from it four or five inches throughout the whole circumference, but not cut off at the lower end. Hair upon this portion of a sandy grey. Both thighs severed from it in a very irregular manner. Integuments divided down to the pubis in the median line. On placing the pelvic portion in apposition with the thoracic, the third and fourth lumbar vertebrae corresponded precisely. The spinous process of the third lumbar vertebra, with a portion of the transverse processes of the same, was absent from the thoracic portion, but was found attached to the fourth lumbar vertebra, which was on the pelvic portion.

III. *Right Thigh*, on being placed in apposition with the pelvic portion, the bones, muscles, and skin corresponded perfectly. Good muscular development, with but little of fatty matter. Patella attached. Some ossification of femoral artery.

IV. *Left Thigh* had a string about two and a half feet long, tied round just above the condyle, leaving loose ends. Patella attached. On being placed in apposition with the pelvis, the bones corresponded, but some portions of the skin and flesh appeared to have been removed, or contracted from artificial means. On the anterior surface of the thigh, and somewhat on other parts, there were appearances of the action of fire, or some caustic matter.

V. *Left Leg* of natural appearance, fair size, and on being placed in apposition with the left thigh, the articulation corresponded.

| Measurements.                                      | Inches. | Inches. |
|----------------------------------------------------|---------|---------|
| Thoracic portion, length                           |         | 17½     |
| Thoracic portion, below axilla, circumference      | 30      |         |
| Pelvic portion, length                             |         | 9½      |
| Pelvic portion, circumference below crest of ileum | 30½     |         |
| Both thighs (of the same length)                   |         | 18      |
| Both thighs, circumference of largest part of each | 18½     |         |
| Left leg, length to the outer malleolus            |         | 16      |

|                                                                                                                         | Inches. | Inches. |
|-------------------------------------------------------------------------------------------------------------------------|---------|---------|
| Left leg, circumference of largest part                                                                                 | 12½     | —       |
| Total                                                                                                                   |         | 61      |
| Deduct distance from bottom of pelvis to top of acetabulum                                                              |         | 3½      |
|                                                                                                                         |         | 57½     |
| All the parts being placed in apposition, the distance from the top of seventh vertical vertebra to the outer malleolus |         | 57½     |
| Difference                                                                                                              |         | ½       |
| Total length of parts discovered                                                                                        |         | 57½     |
| Distance from sole of foot to the outer malleolus on another subject                                                    |         | 3       |
| Distance from top of head to base of sixth cervical vertebra                                                            |         | 10      |
| Total height—5 ft. 10½ inches, or                                                                                       |         | 70½     |

The foregoing described portions appeared to belong to a person of between fifty and sixty years of age; the muscular system was well developed, and there was but very little adipose matter.

WINSLOW LEWIS, Jun.,  
GEORGE H. GAY,  
JAMES W. STONE.

*Cross-examination of Dr. WINSLOW LEWIS, jun.*—Had been acquainted with Dr. Parkman about thirty years. It would not spontaneously have occurred to my mind that it was Dr. Parkman, if I had not known he was missing. Could determine the height of the person within half an inch, to a certainty. The perforation under the left nipple was much affected by some chemical agency. Discovered no marks of a knife on the ribs. A body of the size of Dr. Parkman's would contain about two gallons of blood. About two

quarts of blood, or fluid, might be found in the cavities of a body of this size after death. Could not say how long it would take to burn up a head; I think it could be consumed in two hours, but cannot state that with any accuracy; it would depend upon the quantity of fuel. Could not determine the precise age of that body from the remains. There was more muscular development in the lower extremities than I should have expected.

*Re-examination.*—If a person were wounded, as by the perforation in that thorax, he would, probably, have bled more internally than externally; a body ceases to bleed very soon after death, except from the veins.

DR. JAMES W. STONE.—I concur in the report that was drawn up and signed by Drs. Lewis, Gay and myself. Judging from the skin, hair, and general appearance of the remains, the body belonged to a person from fifty to sixty years of age. The amount of ossification of the arteries would seem to indicate that the individual was nearly or quite sixty years of age. There was nothing which would conflict with the idea that it was the body of Dr. Parkman; yet, had I not known that Dr. Parkman was missing, I should not have suspected that these remains were portions of his body.

My impression is, that the individual who separated the remains had some anatomical skill. It is difficult for a person who has never done it to remove the *sternum*, or breast-bone.

There was but little appearance of these remains having been parts of a subject for dissection. In preparing bodies for dissection, sometimes one injection into the arteries only is made; at other times, two or more. The first injection is made in all the subjects for antiseptic purposes. It is fluid, and usually consists of an arsenical solution, one of the chloride of zinc, or some similar preservative substance. This fluid is absorbed, so that it is difficult to recognise it, except by chemical tests. The second injection is solid, and is usually of glue or wax, so as to dissect for the arteries. That can be easily distinguished. There was in these remains no solid injection.

*Cross-examination.*—We examined the aperture between the ribs, to ascertain if it had been caused by a knife, as it was suggested that this might have been the case. The edges of the aperture were rough, as if it had been made by a stick. There was no mark produced by the cut of a knife upon the ribs. A day or two after, I heard that there was such a mark, but at the time of our regular examination, on Sunday, December 2nd, we could find nothing of the kind.

*Re-examination.*—There was no mark in this opening which had the appearance of having been made with a knife. The opening extended not only through the skin and external muscles, but also through the muscles between the ribs, and through the lining membrane into the cavity of the chest. The membrane and muscles be-



tween the ribs were perforated in other places, but nowhere with such regularity as would indicate that this had been done with a knife.

DR. GEORGE H. GAY.—I signed the statement that has been read, and agree to it. I saw the remains at the Medical College, and conceived that some anatomical knowledge had been exhibited in their dissection. The hole in the chest I thought might be made by the pressure of the ribs, or the end of a cane, at the time it was removed from the tea-chest.

*Cross-examination.*—We examined merely to see the external and internal appearance of the perforation; I thought it previously done with a stick, and saw nothing to make me change my mind.

DR. WOODBRIDGE STRONG.—I have been in practice since 1820, in Boston. I have dissected many bodies. I have been at different institutions, and am more disposed towards surgery than to anything else. I have been obliged, sometimes, to burn some remains. Once I had a pirate given to me by the Marshal. I wanted the bones, and desired to get the flesh destroyed. I had a common fire-place. The body was not a large one, but muscular, and had some fat. I made a fire of wood and flesh, and kept up a roaring fire. It burned all night, and up to three in the morning, and the mass was not half burned up. Coal is bad to burn it with; but wood is good; though little flesh can be burned at

a time. Any dry wood, such as pitch pine, would do very well to burn. The smell is difficult to allay, and the operator would be apt to be found out through it.

I have known Dr. Parkman ever since I have been in the city; a part of the time as a neighbour, when I saw him almost every day. I last saw him on the day he disappeared, in Beacon Street, at half-past twelve, or not far from that. I was at the Medical College on Wednesday after I last saw Dr. Parkman, and also on Tuesday. On one day of my visit, I saw parts of a body on a board. The dissection of the breast was done in the usual manner of anatomists; and no one who had not been in the habit of seeing dissections could have done the thing in the way it was.

The muscles between the bones were cut through as far as four inches,—the distance the flesh was taken from off the ribs. The skin at the puncture was taken away; and someone said, when I inquired about its being a stab, that it was not. I noted that the aperture seemed as if a stab had caused it when the muscle was tight. It takes a very sharp knife to make a clean cut, when the skin is not tight. I saw a perfectly clean cut made, so as nearly to graze the rib, which I thought must have been given when the body was alive. I thought it might have been the means of death. If a person was stabbed to the heart, something would depend on the position of the wound, as to the hemorrhage. In this case, it would have been internal. In the case of these remains, the parts were peculiarly bloodless. The body

was unusual in its formation, from its narrowness across the shoulders, in proportion to the pelvis, and the tenuity in the upper part. It corresponded, in these respects, to the late Dr. Parkman's general appearance when alive. There was nothing dissimilar to what I would have expected to have found in his remains; on the contrary, there were many points of resemblance.

*Cross-examination.*—I have had arts of kindness from Dr. Parkman. I have the pleasure of thinking he was one of my friends. The colour of the hair on the body was the same as that on his head and face. It is not so invariably. If there had been any disproportion of the parts found, to indicate that they belonged to different bodies, I should have seen and noticed it. I never burned up a body in a furnace. I think that the density of heat would be as great in a stove as it would have been in the furnace I saw in Dr. Webster's laboratory. The stove I saw in the

same room was a better article to use. I saw but one furnace in the college. I have used a common stove, when dissecting, to consume human flesh, with anthracite coal, which I think is not so good as wood. A large coal fire would burn up human flesh. It might be possible that the wound might have led to the heart, and no blood flowed outward. This could be accounted for by the form of the wound, which might collapse; and also by the sudden stopping of the circulation of the blood, such as cutting the aorta would effect.

*Re-examination.*—There is a diversity of opinion among medical men regarding the weight or amount of blood in the human body. It might average 40 pounds, in a healthy man.

DR. FREDERICK S. AINSWORTH, the demonstrator of Anatomy in the Medical College, said that all the anatomical materials of the College were accounted for.

[The Court adjourned.]

### THIRD DAY. Thursday, March 21st

DR. CHARLES T. JACKSON.—I went to the Medical College with Dr. Gay on Saturday, the 1st of December. Dr. Lewis was there, and made some preliminary examinations. Dr. Gay and myself undertook the chemical part. There were shown us the remains of a human body. There was nothing to indicate that they had been used for the purpose of dissection. The body indicated some knowledge of anatomy on the part of the person that had divided it. I heard the testimony of Drs. Gay and Stone, and coincide with them.

[The report of Dr. Jackson was read.]

I, CHARLES T. JACKSON, being duly sworn, depose as follows:—

I am, by profession, a Physician and Chemist. On the first day of December, 1849, I was requested, by Mr. James H. Blake, to accompany Dr. Martin Gay in making some chemical and other examinations at the Massachusetts Medical College, in the city of Boston; and at four o'clock in the afternoon of that day, I went, with Dr. Gay, to the Medical College, and there met Dr. Winslow Lewis, jun., and others, with the coroner of the county of Suffolk, and the jury of inquest. We made a general examination on that afternoon, and adjourned until Sunday morning, when we resumed our examination; Dr. Jeffries Wyman being associated with us, and aiding in the examination of the bones found in the furnace of the chemical laboratory, and also took chips of wood on which we had been shown certain brown stains, which were submitted to Dr. Wyman to examine.

Dr. F. S. Ainsworth also assisted us in the selection of fragments of bone from the cinders of the furnace. The bones found by us were in a mass of cinders and ashes which had been removed from the furnace by the police officers, and were placed in a box, and had the appearance of having been exposed to fire. They were much broken, and were, in some instances, partially fused into the cinders.

We identified, at that time, the following bones: *right os calcis, right astragalus, tibia and fibula, phalanges*, resembling those of the right or middle finger; *coronoid process* of the lower jaw, and numerous fragments of a human skull; a human *tooth* with a hole in it, appearing as if it had once been filled by a dentist's operation; three blocks of mineral *teeth*, with platinum rivets in one of them entire, but wanting the gold plate on which mineral teeth are usually set.

A *pearl shirt-button* was also found in the ashes of the furnace, and was partially calcined. Numerous *little copper cups* found in one of the laboratory drawers—they did not appear to have been burnt.

Many pieces of *glass* were also found among the slags and cinders of the furnace. Masses of metal were also found, which proved, by analysis, to consist of, in 25 grains,

|       |       |
|-------|-------|
| Tin,  | 12.19 |
| Lead, | 11.95 |
|       | 24.14 |

Hence, it is evidently tea-chest lead.

The cinders of the furnace, pounded and washed, yielded globules of gold, some silver, and a little copper.

My attention having been called to the state of parts of the human body which Dr. Lewis was examining, I took portions of the skin and muscles from the thorax, and tested them by reddened litmus paper, and found those parts strongly charged with alkali. I found the dis-

coloured thigh also had been imbued with alkali, and stained by the tan. I took portions of skin from the thorax and thigh, and carried them to my laboratory, and ascertained, by chemical analysis, that the alkali contained in them was potash, mixed with a very little sea-salt.

The skin in several places appeared to have been corroded by the joint action of potash and heat. The thorax had singed hair on it, showing the action of fire, and probably of flame, since the burning was superficial.

I found no alkali in the interior of the thighs, nor in the flesh beneath the skin of the thorax. The muscles of the cut surfaces at both ends of the thorax were strongly alkaline.

I observed that the skin near an opening near the sixth and seventh ribs was quite tender, and the edges of the opening into the thorax were corroded, as if by potash.

I dissected out the arteries and some of the veins of both thighs and of the leg, and gave them to Dr. Martin Gay. I subsequently saw Mr. Richard Crossley in my laboratory, in my presence, examine a portion of one of these vessels, with the adhering muscle, for arsenic and zinc, and saw that no trace of those substances was found.

The spots on the walls, floor and furniture, showed us, were committed to Dr. Jeffries Wyman, who cut out chips from them in my presence. A pair of slippers were submitted to us by the officers, and Dr. Jeffries Wyman cut pieces off from them in my presence, and took them away with him. Dr. Martin Gay took portions of the cinders and metals for examination, and his results should be compared with mine, in order to ascertain how much gold was found among the cinders.

CHARLES T. JACKSON.

Attest,

J. L. ANDREWS.

I was instructed, by the Attorney-General, to take possession of those articles found at the Medical College, which were left with Dr. Gay.\* Took them to Mr. Crossley. (Had made a previous examination of them with Dr.

Gay, and turned them over to him for further examination.) Mr. Crossley is in my employment. My test, as to whether there was alkali in the body, was satisfactory to me. The action of potash on the human body softens the flesh, and dissolves it after a while; and when heat is supplied, it dissolves it very rapidly. With suitable apparatus, the time taken to dissolve a human body with potash would depend upon circumstances; if it were cut up in pieces and boiled, the flesh would dissolve in two or three hours. For this, it would take of potash nearly half the weight of the body; and if the whole were done at a time, a very large kettle. To dissolve Dr. Parkman entirely (he weighing about 140 pounds), it would take about seventy pounds of potash. Examined Dr. Webster's laboratory. The largest kettle that was there was a tin boiler, with a thick copper bottom, such as is used in boiling clothes. If the body was cut up in pieces, it would have been adequate to dissolve it; but it would not hold the whole body, or the thorax.

The next best substance to potash for dissolving a body is *nitric acid*, but potash is the best. Nitric acid would require double portion; it would take the whole weight of the body, of nitric acid, to dissolve it. The effect of it, when applied to a body, would depend entirely upon caloric; if gently heated, it would give off very little gas, and if boiled, a very large quantity. The odour of nitric acid is very disagreeable, but it is not necessary that the gas should be confined,

\* Dr. Martin Gay died before the trial.



for the safety of the operator; an open vessel would do. I saw nothing large enough to dissolve any considerable amount of matter at a time, in the laboratory. There were in the laboratory several bottles containing one or two pounds each, or perhaps more, some of nitric and some of muriatic acid, nearly full, on the window near the staircase. Did not examine all the bottles, but think there was not more than ten pounds of it altogether.

There was on the wall (which was painted white), and on the staircase side of it, drops of green liquid (the stairs were those leading from the back room in the rear of the lecture-room). I got some filtering paper, which would absorb the green liquid. Dr. Gay took that paper, and absorbed some of it, and carried it home with him. Since I received the things that Dr. Gay had, I have examined that paper, which I recognised to be the same paper with the green fluid in it, and found that green fluid to be nitrate of copper.

The drops were very abundant in quantity, extending all along the stairs, from top to bottom, and on the adjoining wall. Was satisfied that it was nitrate of copper; think it was spilt on the stairs, and did not run down from the top; the drops were more abundant at the bottom than at the top of the stairs. Nitrate of copper attracts moisture from the air, and remains in a liquid state a long time; the stains were in a fluid state when I was there. Nitrate of copper has an astringent acid taste, like copper. With regard to the spots of blood, I was requested by the Govern-

ment to make an examination of them; but considering the blood a more proper subject for microscopic observation, I transferred the duty to Dr. Wyman.

Have had no experience of the effect of nitrate of copper on blood. A pair of pantaloons was discovered, with spots of blood on them. I think it was on Sunday Dr. Wyman cut out pieces from them. A powerful microscope is the only test to discover small spots of blood. Slippers were also found, with appearances of blood on them. Dr. Wyman cut pieces from them also.

Several punch pieces of copper were found in one of the drawers in Dr. Webster's laboratory. Others were found, much thinner, under the furnace, having upon them nitrate of copper, showing that the oxide of copper had probably been introduced into nitric acid, for the purpose of making nitrate of copper.

|                                                                                                       |                      |            |
|-------------------------------------------------------------------------------------------------------|----------------------|------------|
| I found, in the slag from the furnace given to me,                                                    | 45 $\frac{6}{10}$    | grs. gold. |
| Dr. Gay found,                                                                                        | 47                   | grs. gold. |
| And in a piece brought to me by Mr. John L. Andrews, the secretary of the coroner's inquest, I found, | 81 $\frac{8}{10}$    | grs. gold. |
| Total,                                                                                                | 173 $\frac{6.5}{10}$ | grs. gold. |

The market value of this gold would be \$6.94. There is some gold still remaining in the blocks of teeth. Think I did not extract all the gold from the furnace; there might have been some left.

MR. BEMIS.—Is there any change in the appearance of the bone, by being in fire, in connection with

gold, giving any indication of the proximity of the gold to the teeth?

DR. JACKSON [examining the bone].—It is the same colour that we see in the slag where the globules of gold are found—a pink colour, produced by oxide of gold. It is on a block of artificial teeth. The contents of the ash-pit were taken out—a part of them while I was there, the remainder not. The bones indicated that intense heat had been applied. Anthracite coal had been used at a high temperature. I have known the defendant for twenty-five years; have studied with him, and been on terms of communication with him. I have noticed the knife [exhibiting the sheath-knife] in Dr. Webster's laboratory, when I studied in the old Medical College. The College was removed to Grove Street in 1846. We found whiting and fresh oil upon the knife, as if there had been an attempt to clean it.

*Cross-examination.*—The back, one side and the two ends of the remains were covered with potash, but no other part of the thorax. The thigh-bone was smoked, and the skin was softened, as if by potash and heat. If the bones had been separated from the flesh, I think they could have been dissolved in half a day. There was nothing at all in the large boiler I mentioned before, when I saw it.

I suppose the whiting had been used in cleaning the knife-handle. Tried the effects of nitrate of copper on wood, and it produced the same stains that we saw on the staircase.

RICHARD CROSSLEY.—Have given attention to chemistry for thirteen years. Have examined the blood-vessels, to ascertain whether they were, as usual, injected with arsenic acid and chloride of zinc, and found neither of these substances present. These are the injecting substances used at the Medical College. I coincide with Dr. Jackson in his opinion about the nitrate of copper.

DR. NATHAN C. KEEP.—Have been in the practice of dentistry for thirty years. Knew Dr. George Parkman as early as 1822. As early, I think, as 1825, he employed me as his family dentist; and since that time, whenever he needed assistance, I have been the person on whom he called. Was shown the block of mineral teeth by Dr. Lewis. I recognised them as the teeth I had made for Dr. Parkman in 1846. Dr. Parkman's mouth was a very peculiar mouth, in many respects; differing in the relation that existed between the upper and lower jaw so peculiarly, that the impression left upon my mind was very distinct. I remember the peculiarity of the lower jaw with great exactness.

The circumstances connected with the teeth being ordered were somewhat peculiar. The first question asked by Dr. Parkman, when the teeth were ordered, was, "How long will it take to make them?" I took the liberty to ask why he was so particular to know. He told me that the Medical College was to be opened, and that it was necessary for him to be there, and perhaps to speak; and he wanted them by that time,

or else he did not want them at all. That time was a very short one; the peculiarity of the mouth made it a case requiring as much skill as could be used. I began to do it as soon as possible; gave a large part of my attention to it. In consequence of these circumstances, I remember very distinctly what was done, more than in ordinary cases. I proceeded, in my usual mode, to take the impression. The first step was, to take an exact facsimile of each jaw, with wax, metal, liquid plaster, etc. A plate was made from that; and the next step was, of course, to ascertain the relation between the upper and the lower jaw. A model of the lower jaw was made from an impression taken with wax, while in a plastic state, and by means of this the lower plate was fitted. The upper plate was fitted in the same manner.

*[Dr. Keep exhibited the original plates, which fitted to the models.]*

These plates were made before the gold plates, to ascertain if there were any defect in the models. When the plates were fitted to his mouth, I requested him to close it until I satisfied myself as to the suitable distance.

A great irregularity on the left side of the lower jaw of Dr. Parkman gave me great trouble in setting this up. Each set of teeth was made in three blocks, and then joined to the gold plate. There were spiral springs that connected the two sets of teeth, to enable the patient to open his mouth and close it with less danger of the teeth being displaced, as they would have been without the springs. There was an accident which injured one

of the teeth in the front block, and delayed the finishing of them until near the end of the night before the opening of the Medical College. They were finally finished, by setting my assistant at work on them, at just thirty minutes before the opening of the Medical College. When I next saw Dr. Parkman, he said that he did not feel that he had room for his tongue. In order to obviate that difficulty, I ground the block of the lower jaw on the inside, to make it lighter, and furnish more room for the tongue. This grinding, at that time, was not accomplished with so much ease. The beauty of it was defaced by this grinding. The shape left by the grinding was very peculiar, because of its being ground on a small wheel, smaller than itself.

I saw Dr. Parkman frequently. The last time I saw him was, as near as I can remember, about two weeks previous to his disappearance. He called late in the evening, about ten o'clock. He told me his trouble. I took his teeth, both upper and lower, examined them, and put on a new spring. He stayed about half an hour, when he was ready to go home. I had no more professional intercourse with him at all. I went into the country to pass Thanksgiving, and returned on the Monday morning. I was told that Dr. Lewis wanted to see me, and he presented me with these remains of mineral teeth. On looking at them, I recognised them to be the teeth I had made for Dr. Parkman. The most of the upper portion that remained was the block belonging to the left side of the lower jaw. Several other parts had been very much injured by

fire. I proceeded to look for the mould upon which these teeth were made, put the metal upon its proper place, and it fitted exactly. There is sufficient left of these blocks to identify the place where they belonged. There is no mistake. All the pieces having been found, there were five pieces, which fitted to their exact places. The only piece that could not be identified might or might not have been right; but it was supposed to be right, as there was no reason that it should not be so.

*[The blocks of teeth, etc., were here shown to the Jury by the witness, and afterwards to the Judges.]*

I found embedded, more or less, with these mineral teeth, some very minute portions of gold, which is termed cancellated, being peculiar to the jaw-bone. I saw the teeth in the doctor's head the last time I saw him. The presumption is very strong that these teeth were put in the fire in the head. Such is the nature of these mineral teeth, that, especially if they have been worn, they absorb small particles of water; when suddenly heated, the surface becomes closed, and the water becomes steam, and there would be a report, with an explosion. If, while in the head, they were put into the fire, only a small portion would be exposed to the heat; and as the temperature would be raised so gradually, the water would have time to escape; and this accounts, in my mind, for the teeth not being cracked, excepting the front teeth, which would have been most exposed. I have found, fused into the remains of teeth, portions of the natural jaw. All

these teeth were exhibited to me at the same time.

*Cross-examination.*—My first impression, on seeing the teeth shown me by Dr. Lewis, was of the circumstances which I have related. Knew the teeth for myself, without examining the mould; but I did examine them with the mould. The mould of Dr. Parkman was preserved, as moulds usually are, for future use, in case of accident to the teeth.

DR. LESTER NOBLE, who was formerly an assistant to Dr. Keep, also recognised the teeth.

DR. JEFFRIES WYMAN.—I am Professor of Anatomy in Harvard University. First went to the Medical College on Sunday, the 2nd of December. I had given to me the charge of the bones found in the furnace; made a catalogue of them.

There were no marks of the body being a subject for dissection; it struck me that the sternum was taken out as it would have been by a physician at an ordinary post-mortem examination. I was also struck with the separation of the sternum from the clavicles, or collar-bones, and first rib; the route for the knife to pass through is so difficult that a person having no knowledge of the structure of the parts would not have been likely to direct it in that way. I did not feel myself called upon to examine critically. I should consider the person past the middle age of life. On examining the thorax, and turning it over, I was struck with the quantity of hair



on the back; I never saw a person before with so much. If a person was killed by a blow, and then stabbed immediately, there would have been a flow of blood according to the vessel wounded, and the depth of the stab. A post-mortem examination may be made without an effusion of blood, if made with care. I made an examination of certain spots on the side of the staircase, near the lower landing; they were not blood, but tobacco stains. This has no reference to the spots found higher up; I discovered nothing positive in regard to the spots higher up. Saw spots, which I was told by a chemist were nitrate of copper; did not examine them. I performed some experiments on the effect of nitrate of copper on blood. I placed some blood under the microscope, and applied nitrate of copper in solution. The action was not immediate; after a few hours it took place, and the blood discs disappeared. I should say that nitrate of copper would destroy all characteristics by which blood could be detected by the microscope. There were no other spots in the building on which were any marks of blood.

*[Witness was shown some slippers, on which were spots supposed to be blood.]*

They are the same from which I cut portions having similar spots, which I examined and found what I considered to be blood.

*[Pantaloons were shown, marked with the name of Dr. Webster, which the witness identified as the ones from which he cut pieces.]*

It was the right slipper that was bloody, and the left leg of the

pantaloons on the bottom, on the outside. The slipper had also what looked like Venetian red on the sole. The pantaloons had another spot, which might be Venetian red, but which seemed to be rather a mark of acid. The blood did not seem to have fallen from any height, for it had not trickled down; there was a piece of paper found in the laboratory, with two spots of blood.

*[The witness explained the classification and arrangement of the bones, referring them to the different parts of the body.]*

ATTORNEY - GENERAL. — Please state to the jury whether there is anything remarkable in the correspondence of this jaw with Dr. Keep's model.

WITNESS. — I made a drawing of the jaw before I saw the model, or knew of the condition of Dr. Parkman's teeth. There was an absence of the teeth from the coronoid process to the first molar, or bicuspid; I was not absolutely certain which, but my impression was that there were three teeth gone up to the bicuspid. I made a drawing in pencil of a bicuspid, as a probability. On comparing the fragments of bones to the model, I found that Dr. Parkman had lost these teeth. They seem to correspond in this respect; as the model was taken from the mouth when the gum covered the bone, we cannot expect an exact correspondence. If the curves of this jaw had been carried out, as we should expect, by analogy, it would have given a rising chin. The portion of the left lower jaw had a remarkable depression; have not witnessed the same in any other

jaw, having examined a hundred and fifteen or twenty of them, perhaps, with particular attention to the jaws. There were several vertebræ, a joint of an elbow, some bones of the wrist, some joints of the fingers, part of the bones of the right leg, known unmistakably to be such by their character; there were not duplicates of any bone, nor were there any bones except of the missing parts not found in the vault or tea-chest. There were some fractures, which had the appearance of being made before calcining. Before calcining, the animal matter adheres; there is a greater disposition to splinter, and to angular forms, rather than to crumble.

*[The witness showed the jury a fracture of a skull-bone, which had the appearance of being fractured before being calcined. He did not think the sign was absolute.]*

**Cross-examination.**—In a half-calcined bone, there is less disposition to crumble. Think nitrate of copper effectual to remove blood, but not so good as water, unless the wood were to be destroyed. Should think muriatic acid a better solvent of blood, as it is of animal tissues generally, than nitric. Physiologists generally consider that the blood is about the fifth of the weight; this would be twenty-eight pounds for a body of one hundred and forty pounds. This is by no means a precise statement; but twenty-five pounds have been actually obtained, and probably not all was obtained. There was a thorough examination of the laboratory for blood. If blood had fallen from

the height of three feet, it would have given an oblong mark, falling on a vertical substance; could not tell, from the blood-marks, how long it had been on. After a day or two, blood-marks assume a brown colour; after that, they do not change for years. The microscope distinguishes human blood from the blood of the lower animals, but not from that of the higher, as the ox.

*[Professor Wyman put in a detailed catalogue of the fragments of bones found at the laboratory.]*

DR. OLIVER WENDELL HOLMES.—I am Parkman Professor of Anatomy and Physiology in the Medical School. The professorship is named after Dr. George Parkman. The dedication of the Medical College must have been on the first Wednesday of November. Noticed Dr. Parkman's teeth, on that occasion, as new; they were white and long. Dr. Webster lectured to the Medical Class four times a week, on the subject of Chemistry. His lecture-room, laboratory, and small room in the rear, formed an establishment entirely distinct from those of the other Professors. He never had any need of anatomical subjects. The remains indicated that the person who separated them knew where to cut; there is no botching about the business. Noticed a discoloration, which seemed to be the effect of heat; was told, and readily believed, that it was the effect of a caustic substance. Was familiar with the form of Dr. Parkman; did not see any particular similarity between the parts and Dr. Parkman,

or anything dissimilar. A stab between the sixth and seventh ribs would not necessarily reach the heart. If it did, there might be more or less effusion of blood externally, according to circumstances. If the wounds externally and internally corresponded, there might be external effusion; if the external wound slipped over the internal, the effusion would be chiefly internal. My lecture-room is over that of Dr. Webster; have never heard noises from his room.

*Cross-examination.*—Could not know what the effusion of blood would be, without knowing the direction of the knife; if the knife

touched the heart, much blood would be inside, but not probably all. Have heard the noise of students below, when in the demonstrator's room, which is at the head of the stairs. Cannot say that the hair had been singed by fire. Am not so familiar with the effects of caustics as to say what effect could be produced by them; but was prepared to believe that all I did see had been so produced. A mortal blow might be struck on the head, and no effusion of blood take place.

WILLIAM D. EATON, a police officer, gave evidence of the discovery of the thorax in the tea-chest.

[The Court adjourned.]

#### FOURTH DAY. Friday, March 22nd

EPHRAIM LITTLEFIELD.—I am the janitor of the Medical College; superintend the building, make fires, sweep, etc. Have been janitor seven years. Have known Dr. Webster seven years. Have known Dr. Parkman over twenty years. Was present at an interview, Monday evening, November 19th, between Drs. Webster and Parkman. I was in Dr. Webster's back private room, assisting him, towards evening. Dr. Webster had three candles burning. He was looking at a chemical book. I stood at the stove stirring some water, in which something was to be dissolved. I heard no footstep, but saw Dr. Parkman enter the room from the lecture-room.

Dr. Webster looked round, surprised to see him enter without being heard. He said, "Dr. Webster, are you ready for me to-night?"—speaking loud and quick.

Dr. Webster answered, "No, I am not ready to-night, doctor."

Dr. Parkman said something else, I do not remember what. He either spoke of Dr. Webster's selling something mortgaged, or mortgaging something sold. Dr. Parkman took out papers from his pocket, and Dr. Webster said, "I was not aware it was so." Dr. Parkman said, "It is so, and you know it." Dr. Webster replied, "I will see you to-morrow."

Dr. Parkman stood near the

threshold of the door, raised his hand, and said, "Something must be done to-morrow." He went out, and it was the last time I ever saw him in the building.

When I was standing in front of the College, about half-past one o'clock, the next day, Tuesday, Dr. Webster came and asked me if I could carry a note to Dr. Parkman. I got a boy to carry it up. I had an interview with Dr. Webster about noon, the same day Dr. Parkman was there—Monday—before Dr. Parkman was there in the evening. I am very positive it was that same day. Dr. Webster asked if the vault had ever been fixed, where we used to put the remains of subjects from the dissecting-room, and from the Demonstrator of Anatomy's room. He added, that there had been something said about having it repaired, or a new one built. He asked what the matter was with it. He asked where it was built. I told him it was built right under his coal-bin, which was between his laboratory and the dissecting-room. I told him the weight of this coal sprang the wall, so as to make it leak, and caused an offensive odour to be sent to all parts of the building. I told him it had been fixed. He asked me how it was fixed. I told him the vault had been all *kivered* up with dirt, and there had been no smell since.



He asked me how I got down under the building to *kiver* it up, or how anyone could get down. I told him we took up the brick floor in the dissecting-room entry, and then took up the board floor, about six feet long. He asked me if that was all the way to get down under the building. I told him it was under his laboratory or the front room, and told him how the walls run. He asked me if we could get a light into that vault; and I told him "No." He asked if I was sure of it. I told him I was, for I had tried, a few days before, to get a light into the vault. He said he wanted to get some gas out of the vault. I had tried to get a light in, to find something which Dr. Ainsworth had lost, and the foul air put it out. Dr. Ainsworth had let down an African skull, to macerate in the vault, and the rope had rotted off. I attempted to put a light down, and it went out. Dr. Webster told me he wanted to get some gas to try an experiment. I told him then would be a good time, as it was high tide, and the water would press the gas up. I asked him how he was going to get the gas into any vessel. He said he had apparatus that he could do it with. He told me when he wanted to get the gas, he would let me know. And that is the last I ever heard of it.

I do not recollect any other interview with Dr. Webster, before the day of the disappearance. But now I do recollect a message to the Hospital. He said he wanted me to get him some blood, for his next day's lecture. He said he wanted as much as a pint. I took a glass jar off from his shelf, holding nearly

a quart, and asked if that would do to get it in. He said "Yes; get it full, if you can, over at the Hospital." At Dr. Holmes' lecture-room I saw the student who attends the apothecary's shop in the Hospital. I told him Dr. Webster wished to get a pint of blood. He replied, "I think we shall bleed someone to-morrow, and I will save the blood." Friday morning, I went to the apothecary's shop, and the student said he had no blood, as they had bled nobody. I told Dr. Webster, about eleven and a half o'clock, Friday. He said he was sorry, as he wanted to use it in his lecture.

In the morning, Friday, November 23rd, after I made his fire, swept the room, and went to set the broom behind the door leading from his back-room to the laboratory, I saw the sledge-hammer behind the door. It was usually in the laboratory. The handle was about two feet long, of white oak, and would weigh six or seven pounds. I never saw it anywhere, except in the laboratory, before. One side of the hammer was about as large round as half an orange, and it was rounded on both sides. I carried it downstairs into the laboratory. I have never seen anything of it since, though I have hunted the building all over.

I do not remember anything particular till quarter before two, when I was standing looking out at the front door. I thought, before the Coroner's Inquest, that it was about half-past one; but, reflecting upon it, I remembered that that day I had examined the tickets at Dr. Holmes' door, which would make it quarter of an hour

later. I saw Dr. Parkman approaching the College, walking very fast. I entered Dr. Ware's lecture-room, and lay on the settee nearest the register, and nearest the door, waiting for Dr. Holmes' lecture to finish, to help and clear away his things.

I did not hear anyone enter Dr. Webster's lecture-room.

After putting away Dr. Holmes' things, I came down and locked the front door. About quarter past two o'clock, Dr. Holmes went out. He is generally the last one to go out of the building. Then I went downstairs to prepare the furnaces for the next day. I cleared out the furnaces that warmed the anatomical and medical lecture-rooms. They are both in the cellar, close under the front steps. I then went up and cleared out the stove in the back private room of the medical lecture-room. There are three lecture-rooms. The anatomical, upstairs; the chemical and medical, below—the former in the west, and the latter in the east wing.

I then went down to Dr. Webster's laboratory door, to clear up his room—the door that leads to my cellar—the door under the stairs leading from Dr. Webster's small room to his laboratory under the laboratory stairs. I found that door bolted on the inside. I then went round to the next door, that led to his laboratory, and found that fast. Put in my key; found I could not get in, and that it was bolted. I heard him in there walking. I heard the water running. Went upstairs, and tried the door that led into the lecture-room from the front entry. I

found the door locked; it was bolted on the inside.

I went into my kitchen; stopped a while, and lay down. About four o'clock, a young lady came, and told me there was a gentleman who wanted to see me. I went to the door, and found Mr. Pettee, of the New England Bank. He wanted me to fill out a course of tickets for a student who was about to leave town; the student was Mr. Ridgeway. He gave me the tickets, all but Dr. Webster's; I took the money for Webster's tickets. After Pettee went away, in about fifteen minutes, I went to Dr. Webster's door and found it fastened. Did not try again that day, till late at night. My object in going was to do his work up, wash his glasses, and fix his fires. In the evening, about half-past five o'clock, I was called out of my kitchen, and heard someone coming down the back stairs that led from the front entry. It was Dr. Webster; he had a candlestick in his hand, and a candle burning; he never did use a lamp. He blew it out in my entry, and left it on the settee. He passed out through the shed; saw nothing more of him that night.

After Dr. Webster went, I fixed myself, and went to a party. Got home about ten o'clock, or a few minutes after. The party was at Mr. Grant's.

The first door I went to was the laboratory door. Found it fast; then started to go to the dissecting-room door. Unlocked the dissecting-room door, to put out the lights. The students there used to dissect till nine or ten o'clock. Found the lights out; bolted the

outside door of the dissecting-room, and went to bed. I never knew Dr. Webster's door locked before, on the night of a lecture-day, since I have been in the College. On Saturday, there were but two lectures; had but two fires to make. Made a fire in the dissecting-room. Forget whether I went to unbolt the door of the dissecting-room before or after I made the fire; when I did go, I found it unbolted and ajar. I thought I had fastened some student in, the night before. Never knew anyone had a key of the outside door, except Dr. Leigh, the librarian, who has been there three years.

I unlocked the lecture-room door—the one Dr. Webster came out of the day before—and went in. I went through but could not get through the private room into the lower laboratory. The door was locked, and I never had the key. He had the lock put on it to lock up his laboratory, when out of use, in the summer time. Went back to my room. Soon after I went back, Dr. Webster came, with a bundle under his arm, through the east shed. Met him in the entry. He told me to make him a fire. I made a fire in the stove, in the laboratory. After doing it, turned and went out. Don't recollect being in his laboratory or lecture-room again that day. Saw Dr. Webster again before eleven o'clock, in the lower entry; he came into the College, with a bundle under his arm, done up in a newspaper. Paid him \$15 in gold, for Ridgeway's ticket. Ridgeway had paid me \$82, for a full course of lectures. I gave the rest to Mr. Pettee.

I did no more work for Dr.

Webster that day. Saturday is my sweeping day. I heard him in the laboratory; I speak of the lower one; that's what I call the laboratory. Did not see him again that day. I heard walking in the laboratory; heard moving; could not tell what was doing. Heard the water running in Dr. Webster's sink; it was not in the habit of running. I did not see Dr. Webster all day Sunday. Sunday night I was in North Grove Street, talking with one of Mr. Fuller's foundry men, about Dr. Parkman. Had heard of that disappearance on Saturday afternoon. While talking, saw Dr. Webster coming into Fruit Street, from Bridge Street. When Dr. Webster saw me, he came right up to me. The first words he said to me were, "Mr. Littlefield, did you see Dr. Parkman during the latter part of last week?" Told him I did. He asked me when I saw him. I said last Friday, about half-past one o'clock. He then inquired, "Where did you see him?" I said, about this spot. He asked me which way he was going. I said he was coming right towards the College. I told him I was standing, looking out at the front door.

Dr. Webster had his cane in his hand—and struck it down upon the ground and said, "That is the very time when I paid him \$483.60." I remember he put the odd cents on. I told him I did not see Dr. Parkman come in or go out of the College, for I went directly into Dr. Ware's lecture-room, and lay down on a settee. He said he counted the money down to Dr. Parkman, in his lecture-room; and that Dr. Park-

man grabbed the money from the table without counting it, and ran as fast as he could go, up two or three steps at a time. Dr. Webster said Dr. Parkman told him he would go with him to Cambridge and discharge a mortgage; and added, "I suppose he did, but I have not been over to the Register of Deeds' office to see." Dr. Webster said that this was the first he had known of it; he had read it in the *Transcript*. Dr. Parkman was there said to have been engaged to meet an unknown gentleman. He had come over to see about it, for he was the unknown gentleman. He said he had been to see Dr. Francis Parkman. He then went away.

When Dr. Webster spoke to me, he used before to look me in the face, with his head up; he did not then, but looked down, and seemed confused and agitated. I never saw him look so before. His face was thoughtful; he looked pale. I cannot say which way he went; think it was towards Cambridge. On Monday I could not get into his room to make up the fire. The first I knew of his being in the College, my wife told me; she told me that Dr. Samuel Parkman had been there to see Dr. Webster. I asked her how he got in, seeing all the doors were kept locked.

I went up the laboratory stairs, and saw Dr. Samuel Parkman and Dr. Webster, in the back room. They were talking about old Dr. George Parkman. I overheard conversation about some money; Dr. Parkman said the old doctor was very angry. I stayed there but a minute; did not see Dr. Samuel Parkman go away. The front

door-bell rang, and I went to the door, and found there Mr. Parkman Blake. I had my key in the lecture-room, but it was bolted. I went down and came up the other way to Dr. Webster. He hesitated somewhat, and then said, "Let him in." I unbolted the door; do not know how long Mr. Blake was there.

I went again to the laboratory door, nearly at twelve o'clock, to see whether any work was to be done. Found it locked. Don't know whether the door-bell rang or not. I went to the door, and found Kingsley, and they said they could trace Dr. Parkman nowhere but to the Medical College, and they had come to look. I told them I would show them all the rooms that I could get into myself. Met Dr. Holmes on the stairs; he asked if they wanted to haul all the subjects out of their chests. They said no; they merely wanted to see if he had stowed himself away in the attic. Dr. Holmes told me to show them all around. Went to Dr. Webster's room first; it was locked. We knocked two or three times, with loud raps. Dr. Webster did not come at first. Finally he came. I told him what the officers had come for; did not hear him say anything. We looked through the room, and went down into the laboratory. Do not recollect hearing Dr. W. say anything. Don't remember whether he went down into the laboratory with us. I showed them all over the rest of the building, and they went away.

Tuesday morning, could not get in to make the fires, further than the lecture-room. Went about



half-past nine o'clock, unlocked the lecture-room door, and found Dr. Webster in a sort of smoking-cap. I asked him if I should make a fire in his furnace. He said no; said the things for his lecture that day would not stand much heat. Tuesday evening, I told my wife I guessed Dr. Webster had got his room open; I went up into Dr. Webster's back room; he was reading a paper. He asked me if I knew where Mr. Foster, a provision dealer, lived. I said that I knew him. He asked me if I had bought my Thanksgiving turkey. I said no; I had thought of going out to Thanksgiving. He added, "Take that order, and get you a nice turkey. I am in the habit of giving away two or three every year, and perhaps I shall want you to do some odd job for me." I thanked him, and told him I should be most happy to do anything for him I could. He then gave me another order to Foster, to send him, to Cambridge, some sweet potatoes. I went to Foster's; he took the order, and told me to pick out a turkey. I came home, and stayed till half-past six. It was the first time he ever gave me anything. The idea of his giving a cent's worth was remarkable. I was going out to the Suffolk Lodge of Odd Fellows, and met Dr. Webster in the entry. He had a candle, which he blew out, and set upon the settee. He went out with me. I asked him if he should want any fires in his room that week, as there were no lectures. He said, "No, Mr. Littlefield, I shall not need any fires." He inquired if I was going down town. I told him I was

going to the Lodge. He said, "You are a Freemason, are you?" I replied, "Yes, I am a kind of one." We parted, and he went towards the bridge, and I up Cambridge Street.

Wednesday morning, Prof. Webster came to the College early. He went into the laboratory, and I heard him moving things around there. I went to the door and tried to listen, but the catch over the key-hole was down.

I was picking a hole through the partition when my wife saw me; I cracked off a small piece, and thought Dr. Webster heard me. I went into the kitchen afterward; then came out and lay down on my face, and looked under the door. I thought I heard the moving of a coal-hod on the floor from near the door. I could see him, as high as his knees, going toward the furnace where the bones were found. Cannel coal and bark were kept near the laboratory stairs, in a bin; hard coal was kept near the furnace. Could see no more of him. Lay there about five minutes. Went out with my wife about nine o'clock; did not get back till one o'clock. About three o'clock I passed through the dissecting-room. In passing upstairs to the Demonstrator's room, I first felt heat in the wall from Dr. Webster's laboratory. The staircase brought me in contact with the wall; I put my hand upon it, and it was so hot I could not hold my hand on it long. I knew it proceeded from a furnace, where I had never known any fire, and never made any fire. I went into the store-room, of which I had a key. I put my

key into the door of Dr. Webster's laboratory; it was not locked, but was bolted. Found the other cellar-door of the laboratory locked. Unlocked the lecture-room door, and went in, but found the door of the back room locked. I then went down into my cellar, and back of the building, to see if I could look in the window and see any fire. I climbed up the wall to the double window and got in. The first place I went to was the furnace. I had never made any fire there; did not seem to be much fire there. It was covered up by a soapstone cover, and the whole top of the range was covered over with pots of minerals, and an iron cylinder was lying on it. I did not move anything.

I then took up a broom, and went to where there were two hogsheads full of water. I tried one of them with the broom-handle, and found the water was two-thirds out; the other had a gasometer in it. I did not try the water with the broom, but it was low; a spout was lying in one hogshead, leading to the sink. They were full on Friday; there were also two barrels of pitch pine kindlings, which, on Friday, had been one full and the other two-thirds full. The kindlings were two-thirds gone; I could not think what he had done with them. On the stairs I saw spots such as I had not seen before; they were much spattered. I reached down and tasted of one of the spatters; it tasted like acid.

The water was running; I noticed the running of the water that week, because I had set it running before, and he had stopped it. He said the noise disturbed

him, and it spattered the floor. I did not see Dr. Webster that day. There were grape-cuttings, an empty box, and a bag of tan, left by the laboratory door on Monday. They stood there till Friday. I do not remember when the tan went in, but he took the grape-vines and the box in himself, on Friday; I tried to carry them into his room several times during the week, but could not get into his room.

Thursday I did not see Dr. Webster all day.

Tuesday morning, November 26th, after I left Dr. Webster's room and went out, saw Messrs. Clapp, Kingsley, Fuller and Rice come in by the shed. Mr. Clapp said, "We are going to search every foot of land in this neighbourhood, and wish to search the College, so that people around may not object to having their houses searched." I told him I would show him all parts of the College to which I had access. We then saw Dr. Jacob Bigelow in the entry. Dr. Bigelow said, "Show them everything." Someone said, "Let us begin with Dr. Webster's rooms."

I went to the door leading to my cellar, and it was fast. Went up to the lecture-room door, and found it locked; rapped as loud as I could. Dr. Webster unbolted the door. I told him what the officers were there for. We passed in, and down into his lower room. Mr. Clapp went toward the small private room. Dr. Webster said that was the room where he kept valuable and dangerous things. I hardly ever went into that room. Mr. Clapp did not search that room. We went down the laboratory stairs. Mr. Clapp looked into a pane of

glass in the lavatory door, and asked, "What place is this?" I told him "That is Dr. Webster's lavatory; no one has access to it but himself." Dr. Webster seemed to me to withdraw their attention to another part of the room, and unbolted another door, that led to the store-room. We all went out.

Someone wanted to search the vault where the remains of subjects are thrown. We unlocked the access to the vault, and lowered a lantern into it. All seemed satisfied that there was nothing there which did not belong there.

We searched the whole building; then someone asked if there was any way of getting under it. I told of the trap-door; we got lights, and went down. Fuller and I crawled across to the back side of the building; there was nothing there. They then searched my room.

The same day, about four o'clock, I was in the front cellar, under the front steps. I heard Dr. Webster open the door and come in. About two minutes after, I heard him come down the laboratory stairs, and unbolt the door leading into my entry. I went into my kitchen. As soon as I went in, I heard his bell ring.

I was in the cellar in the forenoon, Thursday. Went to work on the wall about three o'clock, to get under Dr. Webster's laboratory near the lavatory, to satisfy myself and the public. I could not go outside of the building without everybody being at me, saying that Dr. Parkman would be found in the Medical College, if he was ever found anywhere. That was

the only place not searched. All the tools I used were a hatchet and mortising chisel. All I did was to get out two layers of brick.

I was gone that night till about four o'clock, at a ball of the Shakespeare Division of the Sons of Temperance. My wife called me about nine o'clock, and wanted me to go to work on the wall. After breakfast, Dr. Webster came into my kitchen, and asked me if I had heard anything from Dr. Parkman. He said he had just come from Dr. Henchman's apothecary shop, where he heard of a woman having put a large bundle into a cab, which drove off. They took the number of the cab, and afterward found it all covered with blood. I said there were so many flying reports now about Dr. Parkman, that one did not know what to believe. He went upstairs; there were men there carrying up busts to place in the anatomical lecture-room. Dr. Henry J. Bigelow was there. I asked him if he knew there were reports and suspicions against Dr. Webster; he said he knew there were. I informed him what I was doing on the wall; he told me to go ahead.

In a few minutes, I went into the Demonstrator's room, and there I saw Dr. J. B. S. Jackson alone. I told him what I was doing on the wall. He replied, "Mr. Littlefield, I feel dreadfully about this." He added, "Do you go through that wall before you sleep."

He asked me what I would do, if I found anything. I told him I should go to Dr. Holmes. He said, "No; go to old Dr. Bigelow's, in Summer Street; then call at my house, and if I am not in, write

your name on my slate there; and when I return I shall understand it."

About three o'clock, I went to Mr. Fuller's, and borrowed a crow-bar. I went home and locked all the doors, leaving the keys inside. I told my wife not to let anyone in; but, if Dr. Webster came, to be sure and let him in—but not till she had given four raps on the floor. I blistered my hands in working through the wall; came up and put gloves on. I went and borrowed a cold chisel and hammer of Mr. Fuller; he seemed very ready to lend them.

I got out three courses and a half of brick, the thickness of the wall. I heard soon someone moving over the floor, and four raps on it with a hammer. I came upstairs, and met my wife, who said she was mistaken. She saw two gentlemen coming, and thought one of them was Dr. Webster. They were Mr. Kingsley and officer Starkweather; I came out and saw them. Mr. Kingsley wished to get into Dr. Webster's room. I told him that it was locked. Trenholm, with whom I was well acquainted, came up. I told him that I should get through the wall in twenty minutes, and would then let them know.

While I stood there talking, Dr. Webster came in; he went into his room. But while I was conversing with Mr. Trenholm, Dr. Webster came to us and said that an Irishman had offered a twenty-dollar bill at the toll-house, to pay his toll of one cent. The toll-keeper thought it strange, and kept the bill, as I understood Dr. Webster. He said that the Marshal had been to him about it, and asked him if he

paid such a bill to Dr. Parkman; but that he replied, he could not swear to it. After he went away, I went back into the building, and Trenholm was to call in twenty minutes or half an hour; my wife was to keep strict watch at the door.

After getting down, I soon knocked the remaining bricks through; it might be five minutes. On holding a light, I saw the pelvis of a man, and two pieces of legs. I came up, and told my wife.

I was violently agitated. I locked the trap-door, and went to see Dr. Jacob Bigelow. He was not at home. I then went down to Henry J. Bigelow's. He told me to go along with him to Mr. Shaw's. We went down into his study. Mr. Shaw sent for the Marshal. The Marshal told me to go back to the College, and he would soon be there. I went to Dr. J. B. S. Jackson's, in Bedford Place, wrote my name on the slate, and got back to the College before the rest. Mr. Trenholm was there, he had been down and made some discoveries. The hole I dug in the wall was about three feet from the ground, eighteen inches one way, and a foot the other.

The ground under the lavatory was lower from the floor than the ground in the cellar where I dug; the ground under the lavatory shelved from the wall. The remains were not perpendicularly under the lavatory hole, but thrown out from it forward a little. There is no aperture where the parts were found, by which anything but tide-water can come in. The wall had been pointed with cement the year before. The



tide came in underneath through the broken stone placed around to keep the wall from spreading.

ATTORNEY-GENERAL.—You said Mr. Trenholm had been down and made discoveries. How could that be, when you locked the door and put the key in your pocket?

WITNESS.—My wife had a key. I was there when they brought Dr. Webster; went to the door, and saw a carriage and several gentlemen. He was altogether supported by the officers; did not seem to have the use of his legs at all. He looked pale, and I thought he trembled; he complained that they had taken him away from his family, without giving him a chance to bid them good-night.

I unlocked the lecture-room door, and we found the back room locked. They asked me to unlock it. I said they must ask Dr. Webster for the key. He said that he had been hurried from home, so that he had not taken his keys. I went round through the cellar-door, which Dr. Webster had that day, for the first time, left unbolted, and broke down the door between the back room and lecture-room. They then wanted to get into the small back private room, which was locked. I told them they must ask Dr. Webster for that, for I never had access to it. Dr. Webster made the same excuse for that key.

There were inquiries made for the key of the lavatory. Dr. Webster said it was hanging on a nail. We took a key from a nail, but it did not fit. He then said we had got the wrong key; it was the key of his wardrobe. We could not find the right key; he said he

did not know where it was. Then we inquired for a hatchet, which usually hung on a nail, by a ring, near Dr. Webster's stove; it was not there. Dr. Webster was asked for it, and said it was in the sink. It was found there, and we broke open the door of the back room. We there found, in a drawer, a hatchet that was wrapped up; and when they were undoing it, Dr. Webster said it was a new one, that had not been taken out of the paper. We went down and broke open the lavatory. I do not remember whether Dr. Webster was down there or not, when we broke it open. He was much agitated, and asked for water, but could not drink. His hand trembled, and he snapped at the tumbler like a dog, or a mad person.

I went to the furnace, and picked out a bone from it. I was told to let all remain as they were. We went into the cellar, and passed up the remains on a board, and laid them on the floor. Dr. Webster was brought down near them. He was much agitated, and perspired. After looking some time, the parties retired, and officers were left to guard the premises. Dr. Webster's working-dress was a pair of thin overalls and an old coat; have not seen the overalls since the arrest. I think he had on the overalls Monday or Tuesday before his arrest.

All the keys I know of the Doctor's having were of his own rooms and the dissecting-room. I know a bunch of skeleton keys were found in his drawer; they were found in his small back room. Know of towels being found in the lavatory-vault; they were a diaper-

roller and two crash towels; the crash towels were marked W. The roller towel I knew; I don't recollect that it was marked; I had that to wash for him a good many times.

*[A bunch of skeleton keys were produced, found in Dr. Webster's private drawers. The prisoner's*

*counsel objected, and asked what they had to do with the case.*

*The Attorney-General claimed that they were accounted for by the prisoner after his arrest, and were tied to a piece of twine similar to that on the leg of the body found.*

*The prisoner's counsel still objected; and the keys were withdrawn.]*

[The Court adjourned.]

## FIFTH DAY. Saturday, March 23rd

EPHRAIM LITTLEFIELD *recalled and cross-examined* by MR. SOHIER.—What hour, on the evening of Monday, November 19th, was it that Dr. Parkman came to the College?

MR. LITTLEFIELD.—It was not dark out of doors, but Prof. Webster had lights. I was in the upper laboratory, and saw Dr. Parkman come in. He went out the same way that he came in. When he came in, I was standing by the stove. Dr. Webster was at his table. When he first spoke, Dr. Webster seemed surprised. Dr. Parkman said, "Are you ready for me now?" or "to-night?" Professor Webster said, "No, I ain't, Doctor." Dr. Parkman accused him either of selling something that was mortgaged, or of mortgaging something that was sold. He mentioned somebody's name; I believe Mr. Shaw's, but can't be sure. Dr. Parkman, as he went out, said, "Something must be done to-morrow." He stayed, perhaps, half an hour.

MR. SOHIER.—You say on Friday evening, November 23rd, you took the broom. Where did you take it from?

MR. LITTLEFIELD.—I don't know; there was no particular place for it. Put it back behind the door. Saw the sledge. It was a sledge, I supposed, for breaking up stone. It was left by a mason, who came

to tear down a flue. Never used the sledge. Searched for the sledge all over the building, and under the building, after Dr. Webster's arrest. There was a smaller sledge there, weighing two or three pounds. That is there now.

I dine at one o'clock, during Dr. Holmes' lecture. I ring his bell first. Was detained, on Friday, November 23rd, by examining Dr. Holmes' tickets. Suppose it took me fifteen minutes. Several students usually remain in the chemical lecture-room for some time after the hour, and I waited for them.

On the same Friday noon, when I lay down on the settee, the door shut after me. The door shuts itself, and shuts hard. Remained there till three or four minutes of two. Did not go to sleep. Reclined, with my head on the arm.

On Friday afternoon, thought I heard someone walking in the laboratory. Stood near the door, and tried to get it open. Put my ear up to the door, and heard the water run. Heard footsteps; went back upstairs, and tried that door. When Dr. Webster came down, he passed within a foot of me. Did not speak to me, nor I to him. Left home that night about six o'clock. Tried the doors after Dr. Webster passed, and before I went to the party.

I do his work, wash the glasses, sweep up, and prepare for fires; it takes sometimes half an hour, and sometimes an hour. Recollect examining the doors after I came home; shut the dissecting-room door, and it locked itself. The lights were out before I tried the doors of Dr. Webster's apartments and found them bolted. Tried all the doors but that of the lecture-room upstairs; that I did not try. Out of this room there are two doors. One was never used; it has two locks; Dr. Webster keeps the key; I have no key to fit the upper lock. There is no slide in the door. There is a slide over the sink, that is fastened with a clasp inside, and buttoned the other side. This is not usually open. On Thursday night previous to the disappearance of Dr. Parkman, was at a ball, and got home about one o'clock. Was in Prof. Webster's rooms on Thursday afternoon, to do his work. Do not know that I was there in the night. I got home about one o'clock. I do not know that I was ever in Dr. Webster's rooms after he left.

First began to arrange in my mind all these circumstances after Dr. Webster's arrest, and all along the week before. Began it on Sunday night, November 25th. I then told my wife I was going to watch every step he took. I made this remark as soon as I had the interview with Dr. Webster; and told my wife my suspicions, and that I meant to watch. I did not know that a reward was out until Monday. I assisted, on Sunday, in searching the building. Never said that I meant to get this reward, and I defy you to prove it. Never

said anything to Dr. Webster about it. I did not make memorandums till after I was before the Coroner's Inquest.

When I saw Dr. Webster it was about sundown. I said I examined his face very closely, and it looked pale. He did not look at me when he struck his cane on the ground. I then suspected him of having something to do with the disappearance of Dr. Parkman.

The next day my wife told me that Dr. Samuel Parkman had just gone up. I went up, because my wife said he wanted to see me. I then had suspicions of Dr. Webster. Did not stop there half a minute. I had suspicions of Dr. Webster on Monday morning. I suspected that he had dealt foully with Dr. Parkman. Went downstairs, to go about my business. Could not go through the lecture-room without jamming by Dr. Webster and Dr. Parkman pretty hard. It was but a short time before Mr. Blake came; it was not half an hour. I went round, and went upstairs, and found Dr. Webster in his lecture-room.

Mr. Kingsley came about twelve o'clock, I think. He was let in at the lecture-room door. Mr. Starkweather was with Mr. Kingsley—nobody else. I went in with them. The Doctor came and opened the door, and put his head out. We all went in together to the laboratory, but I cannot tell whether Professor Webster went behind or before. I went round with the officers; was watching Dr. Webster some—seeing how he appeared at that time. I believe I went into the back room, and they all followed me. I don't know whether Dr.



Webster went down or not. I let them out at the lower door, and went with them. Can't say whether I saw Dr. Webster this day again or not.

Early on Monday evening, November 26th, I went down to Mr. Grant's dancing academy. Tried Dr. Webster's rooms before I went down; tried them all the afternoon. Wanted to get in and do up his work; that was all my object.

I did not see Dr. Webster go in on Tuesday, November 27th. I unlocked his door at half-past nine or ten, and saw him at work. I passed down to his table, and he went towards his back room. I looked in, and saw he had a fire; asked him if he wanted a fire in his furnace, and he said no, his lecture for that day had some things about it that would not bear much heat.

The officers came to make examination about eleven o'clock. Dr. Webster let them into the lecture-room himself. I went downstairs with them, and the Doctor went down also. I thought, at the time, that Dr. Webster tried to lead them away from the lavatory. When Mr. Clapp asked what place was that, Dr. Webster started right off to the door at the front part of the laboratory, leading into the store-room, and said, "Here's another room." This was after I said that Dr. Webster had the key of the lavatory. Thought this was suspicious.

When I saw Dr. Webster go up, I went into the entry, to see if I could get into the laboratory. Was not standing in the place where I was when he came; it was not to watch. I went back, to see if I

could hear him come down the laboratory stairs. The bell then rang. I went directly up. Found him in the upper laboratory; think it was about four o'clock. I went down to Foster's after that, and judge from the time that it took me. Did not see Dr. Webster after I came back.

Never went in at the window before Wednesday afternoon, November 28th. There is a window between my room and the Doctor's store-room; it is nailed in strong. After I came back with the turkey, on Tuesday, it might have been a quarter before six before I saw Dr. Webster. I came home, and stopped in the kitchen and took my tea, and fixed myself, as I was going out.

The interrogations about Freemasonry were after I got the turkey. Can't say that I tried the doors after I came from Mr. Foster's till I came back from the Lodge. It was pretty late before I came home. The Lodge did not close till after eight. I stopped over an hour, after that, in Bowdoin-square. Do not know that I tried the doors again that night. Had not washed the glasses after Friday. Emptied out the water and washed them, after his arrest. Don't recollect that I said, before the Coroner's Inquest, that I heard someone in the laboratory near one o'clock. Don't recollect that I did hear anybody there then. I said, before I went to peep under the door, I went to listen. That was before I went out at nine o'clock. The Doctor told me, on Tuesday, that he should not want any fire. I knew that he always wanted very hot fires. It was a

cold morning, and I thought it very strange that he should be in his room without a fire. Did not state, as I recollect, before the Inquest, that I heard anyone in on Wednesday, at four o'clock, before I went in. Was not long watching. Heard him making a noise, and heard him step. This was before I saw the coal-hod.

I can't tell which way he was moving the coal-hod on the floor. I testified, and I tell you now again, that I heard the coal-hod moving on the floor; I afterwards saw him carrying the coal-hod. I could not tell what was going on. I thought it very strange when I found the heat on the wall. My reason for getting in was, that I thought the building was on fire. I said there did not appear to be much fire there.

Dr. Webster had told me never to take anything except what he left on a particular table, where he left his things for me to clean. That was my reason for not removing anything. There were some crucibles, but none full. The soapstone cover was covered with crucibles and minerals. The furnace was pretty hot. I cannot say whether there was fire, but the bricks were hot.

The hogsheds were fixed to make gas in, but had not been used. I took a broom near the door; I did not know but Dr. Parkman might be poked into the hogshed. I did not expect to find anything in the furnace. Can't say what kind of a lock was on the lavatory. I have sixteen keys. I did not try to get into the lavatory. Probably, if I had had a key that would fit it, I should have unlocked it.

I went upstairs into the upper laboratory. Thought the spots on the floor were suspicious. Noticed the spatters on the wall and paint. Noticed the spots on the stairs more than anything else. Thought it was blood, and something had been put on it to conceal it. Saw the spots on the upper laboratory floor that I thought were suspicious. Did not try the little private room; never had any access to that room. Could not get into the lecture-room without breaking the door. Told my wife of the discovery of the remains immediately; told Dr. Jackson and Dr. Bigelow of it on Friday, November 30th. Tried the doors on Thursday, to see if I could not get in. Did not see him on Thursday. Can't tell you exactly where I was Thursday forenoon. Don't recollect that I tried to get in on Thursday. Had communicated my suspicions to Dr. Hanniford on Tuesday evening.

Was at the party Wednesday night, November 28th, till ten, or half-past ten. I first mentioned to Mr. Fuller that we could not get under the lavatory any way but by making a hole through the wall.

[In answer to a question why he did not go down through the floor the same as he did when he covered up the dissecting vault, witness said he did not wish to take up the floor of the passage-way to the dissecting-room, where the students were continually passing.]

The remains, when I first saw them, might have been two or three feet from a direct line with the hole in the lavatory. I did not go in, but only put my head in, till I went for Dr. Bigelow. Have seen the silver-sheathed knife; saw it

about the premises frequently. I never saw the jack-knife from the time Prof. Webster showed it to me till after it was taken from the tea-chest. Did not hear Prof. Webster say he got it to trim grape-vines. Never had occasion to help him cut corks. Did not get any blood for Dr. Webster during this course of lectures. Never had any particular knocks or signals to get into his room. If anyone wanted to see him, I would knock on the door, if I found it bolted. I sometimes found it bolted.

The reason I did not knock was, that if he chose to keep his doors locked from me, I did not choose to knock. I do not know that I ever tried to get in when his doors were fastened.

[Mr. Merrick showed Littlefield an advertisement of a reward, and asked him if he saw it at the time it came out.]

LITTLEFIELD.—I saw one like it on Monday, and showed it to Dr. Holmes. Cannot tell how early I saw the second one.

I went over to East Cambridge with those who were in search of Dr. Parkman. I asked the toll-man if he was the one that saw Dr. Parkman go over on Friday. Do not recollect saying, at that place, that I saw Dr. Parkman go in or come out of the College. Did not say, at that time, that I saw Dr. Webster pay Dr. Parkman any money.

*Re-examined by* MR. CLIFFORD.—I never have made any claim to any reward. I say now that I never shall claim it. I had the heads of my testimony written down, and was reading it over to my wife,

and she told me I had made a mistake about the turkey. I then went to Mr. Merrill, one of the Coroner's Jury, and told him, voluntarily correcting it.

I was before the Coroner's Jury nearly two days. Keys of the front doors were found in Dr. Webster's apartment after his arrest. I never knew that he had one before. They might have been there, but I never saw them before. There is a hole in the bottom of the sink, so that, when the water runs into the sink, it will immediately run off.

ANDRIX A. FOSTER, a provision dealer, stated that he supplied a turkey to Littlefield on Professor Webster's order on Tuesday, November 27th.

MRS. CAROLINE N. LITTLEFIELD.—I am the wife of Ephraim Littlefield. I knew Dr. Parkman by sight. I think I heard of his disappearance on Saturday. On Sunday afternoon, after tea, Mr. Littlefield went out. He came in, and beckoned me from the kitchen to the bedroom. He said he believed that Dr. Parkman was murdered by Dr. Webster. I said, "For mercy's sake! what makes you think so? Don't you ever mention such a thing again. If the Professor should hear of it, it will make trouble for you."

I do not know that I had noticed anything unusual before this, but after this I recollected that the door by the laboratory stairs, which was usually left open, had been fastened since Friday afternoon.

I cannot tell how often after-

wards I noticed it. I don't recollect about Sunday; but on Monday morning, between nine and ten, Dr. Samuel Parkman came, and inquired if Mr. Littlefield was at home. I told him he was somewhere in the building. He asked if Prof. Webster was in, and which way he could go to see him. I told him he could go by the way of the door leading from our cellar, if the door was not fastened. I went, and found it unfastened, and showed him upstairs.

A short time after, I went for some water, and found the door fastened. I think it was that same forenoon that Mr. Sawin, the express man, came with a bundle of grape-vines, a box, and a bag, and left them in our part of the cellar, where he never left anything before, because he always took them into the rooms of Prof. Webster. I don't know why he couldn't get in that morning.

On Thanksgiving day, I asked Mr. Littlefield why he did not take those grape-vines into the laboratory; he said the doors were all locked. The grape-vines were in my way, and I wanted them removed.

I did not see my husband go into Prof. Webster's rooms on Wednesday. I do not know that he built any fires there after the disappearance of Dr. Parkman till Dr. Webster's arrest. I saw Prof. Webster pass through the entry Monday, Wednesday and Friday. Wednesday morning, he came quite early, as early as eight o'clock.

On Friday morning, Dr. Webster came to the College, I cannot say precisely what time. We were late at breakfast. Dr. Webster

came in, and said, "Have you heard anything new about Dr. Parkman?" My husband replied, "No, I have not."

I know Mr. Littlefield commenced digging the hole in the wall on Thursday. He was there about an hour. About three o'clock, on Friday, he went to work again. While he was at work, I watched for Dr. Webster. When he had been down there about half an hour or three-quarters, I thought Dr. Webster was coming.

I had a hammer, and struck four times. Mr. Littlefield came up; but it was not Dr. Webster.

While he was out, Dr. Webster came in, he took the grape-vines, and went into the laboratory. Then he left the door unlocked, as he usually had done before the disappearance of Dr. Parkman. Dr. Webster went out, and Mr. Littlefield went down and went to digging again.

While Dr. Webster was in, Mr. Littlefield was out talking with the police officers. He had not been down but a short time; it did not seem more than ten minutes. When he came up, he seemed very much agitated—more so than I ever saw him before. I said—

MR. MERRICK.—We object to conversations.

CHIEF JUSTICE SHAW.—It appears to us that his manner and conduct, and appearance, are competent, but not his conversation.

MR. BEMIS.—State, then, what was his manner, when he came up from the discovery of this body.

MRS. LITTLEFIELD.—He was much affected, and burst into tears. He locked the doors, and went away. Mr. Trenholm, the police officer,



came while he was away, and inquired for him. I unlocked the door with another key. Mr. Trenholm went down.

Mr. Trenholm remained till Mr. Littlefield and Mr. Clapp came. No one else went down while Mr. Littlefield was gone; I was about the house.

*Cross-examined by MR. SOHIER.*  
—I recollect distinctly going in the cellar for water. Did not say a bag of tan was left, for I did not know what was in it. Dr. Webster was there somewhere about four o'clock, but he stayed a very few

minutes. Did not see him take the things in, but saw them there before he went in, and they were not there afterwards.

JOHN MAXWELL deposed that he took a note at Littlefield's request to Dr. Parkman, at about twelve o'clock one day in the early part of the week of Dr. Parkman's disappearance.

JOHN E. HATHAWAY.—Am engaged at the Massachusetts Hospital. Mr. Littlefield made application for blood on Thursday, the week before Thanksgiving. I did not furnish the blood.

[The Court adjourned.]

## SIXTH DAY. Monday, March 25th

SARAH BUZZELL, a niece of Mrs. Littlefield's, said that she had been staying with her aunt between November 19th and November 27th. On Friday, November 23rd—the day of Dr. Parkman's disappearance—she answered a ring at the front door. The door was locked, and looking through the sidelight she saw a gentleman she now knew to be Mr. Pettee. She told him to go to the other door, and went to inform Littlefield. She saw Littlefield come out of a bedroom door in his stocking feet. She told him of the visitor and he went to the door.

JOSEPH W. PRESTON, a student of medicine who had attended the last course of lectures, said: I saw Dr. Webster after the lecture on Friday, November 23rd, at about six o'clock. I saw him about eight or ten feet from the carriage-shed, on the east of the building. He entered the shed.

WILLIAM CALHOUN.—Remember seeing Dr. Webster the first Sunday after Dr. Parkman was missing, in front of the College, in Fruit Street. I was with Mr. Littlefield. I think it was about four o'clock. Dr. Webster came up to Mr. Littlefield, and said, "Mr. Littlefield, did you see anything of Dr. Parkman, the latter part of last week?" "Yes," said he, "I did."

"Whereabouts did you see him?"

"Near the ground we now stand on."

"Which way was the Doctor coming?"

Mr. Littlefield answered, "He was coming towards the College."

"Where were you when you saw him?"

Mr. Littlefield replied, he was in the front entry of the College.

He also asked Mr. Littlefield if he saw him enter the College.

Mr. Littlefield said he did not; he went into the College, and sat down in one of the rooms.

Dr. Webster asked what time he saw Dr. Parkman.

Mr. Littlefield answered and said,

"About half-past one o'clock."

Dr. Webster said that about that time he had paid Dr. Parkman

\$483, in his lecture-room at the College, and that the Doctor never

stopped to count the money; but,

as I understood it, either grabbed it up, or wrapped it up, and ran off;

and, said he, "I told him, 'Doctor,

you must go over to Cambridge,

and have this mortgage cancelled,

and have it all done up in good

shape'; and that was," said he,

"the last I saw of him."

I did not understand whether he said

the Doctor made any answer to it

or not.

DR. JOHN B. S. JACKSON.—I am

Professor of Pathological Ana-

tomy in the Medical College.

Mr. Littlefield, about one o'clock

of the day of Dr. Webster's arrest,

came to my room, and informed me that he had already partly dug through the wall. I advised him to go on, and finish the opening. I told him, if he made any discovery, to go at once and inform Dr. Bigelow, senior, and to call at my rooms, and leave his name on my slate, if I was not in. I enjoined the strictest secrecy upon him, in case he made no discovery, and pledged myself to the same. I came home, in the earlier part of the evening, and found Mr. Littlefield's name on my slate.

GEORGE W. TRENHOLM.—I am a member of the police. My beat, last November, was in the district near the Medical College. I have known Mr. Littlefield for two or three years. Know Dr. Webster. The first time I saw him, after Dr. Parkman's disappearance, was on the Sunday afternoon following, about quarter before four o'clock. I was conversing with Mr. Littlefield, and he came up and said to me, "What about that twenty-dollar bill?" Told him I had not heard anything about it. He then said an Irishman had presented one at the toll-house.—I am mistaken; this was not the day.—I was talking with Mr. Blake—James H. Blake—shortly before four o'clock, in front of the Medical College. Saw Dr. Webster coming from towards the front steps of the College. Dr. Webster spoke to Mr. Blake, and told him the first that he heard of the disappearance of Dr. Parkman he read in the papers the night before.

Dr. Webster said he thought he would come in, and let his friends know that he had paid Dr. Parkman

\$483. Said he took the money up and started; did not stay to count it; and that Dr. Parkman told Dr. Webster that he would go over to Cambridge and get the mortgage discharged.

On Friday, the day of Dr. Webster's arrest, I was passing by the College, about a quarter before four, I should think, and met Mr. Littlefield, who told me he had commenced digging through the wall. We went down the front steps, and saw Dr. Webster. It was then he made the remarks about the twenty-dollar bill.

He then said that an Irishman came to Cambridge Bridge, and offered a twenty-dollar bill to pay one cent toll; and said the toll-keeper thought it rather strange for an Irishman to have a twenty-dollar bill. Said the toll-keeper asked him where he got it, and he said he got it of Dr. Webster. He said the City Marshal had the bill, and had sent for him to see if he could identify it. Said he told him that he could not swear to the bill. He then went off. Mr. Littlefield told me to come back in about half an hour or twenty minutes; he thought he should get through the wall by that time. I then went away, and was gone twenty or thirty minutes. Came back, and met Mrs. Littlefield, and asked her if he had come up from under the building. She said he had, and had gone down to see Dr. Henry J. Bigelow. I asked her if he found anything. She then asked me if I would be afraid to go down, and see if he had found anything. I told her I would not. She then went with me, and showed me the trap-door. I took

a light, and went down, and crawled up to the place where he dug through; put the lamp through, and put my head and shoulders through, and saw those parts of the body that were afterwards shown to Coroner Pratt.

I came up, and waited there till Mr. Littlefield returned with the Marshal, Dr. Henry J. Bigelow, and Mr. Clapp. I assisted in taking out the parts.

Prof. Webster, and the party with him, came down about eleven o'clock. Someone asked for the key of the lavatory door. The Doctor then pointed to a hook or nail, and said it was up there. Mr. Littlefield and I tried the key, and it would not unlock it.

The door was then broken open. Prof. Webster, while up in the back room, appeared to be confused. He was more agitated down in the laboratory. He called for water, and when they handed it to him, he would bite at it.

*Cross-examination.*—What Dr. Webster said about the twenty-dollar bill was the first that I heard of it. On Friday, the 30th, Mr. Littlefield said he suspected Dr. Webster; told me he did not wish me to say anything about it, till he had ascertained whether anything was to be found. Mr. Kingsley asked Mr. Littlefield, on Saturday, the 24th, whether he had seen Dr. Parkman, and he said he had not seen him for three or four days.

NATHANIEL D. SAWIN.—I remember bringing into Boston, on the Monday after Dr. Parkman's disappearance, two bundles,

made from the cuttings of grape-vines, for Prof. Webster. I brought in an empty box, about the shape of a soap-box, a foot and a half square, and a bag of tan; took them from Dr. Webster's house in Cambridge.

Dr. Webster said, "You may leave them in Mr. Littlefield's cellar, and I will take them into the laboratory myself." Had never received any similar instructions before. Had done these jobs for Prof. Webster for three years; suppose I had been to the College two hundred times. It had been my practice to leave them, sometimes in the lower laboratory, and sometimes in the upper.

Went there again on November 28th. Carried two boxes. One about two and a half feet long, ten or twelve inches wide, and a foot deep. The other box was about a foot and a half square. The large one was empty; the other was not.

I left these where I left the others, in Mr. Littlefield's cellar.

DERASTUS CLAPP, a police officer, said: On December 5th I was directed to go to Cambridge and search the house of Dr. Webster. I took with me officer Hopkins and officer Sanderson. This was the second search.

In consequence of what had been said to me before I went, I asked Mrs. Webster if she had anything like a package or bundle given her by her husband. In a short time after, Mr. Sanderson brought down some papers. They being articles not named in the search-warrant, I told him to go and put them in the trunk where he had found them, and to bring the trunk down. I



then requested Mrs. Webster to take certain papers out of the trunk, and hand them to me. Mrs. Webster handed me the package I asked for, though I did not know what was in it.

[The witness now identified the papers shown in Court, as the same that he took from Dr. Webster's house; and said that there was nothing on the papers but what was there when he took them, except his own private marks. Mr. Bemis proceeded to describe the papers as follows:

There are two notes, one for \$400, dated June 22, 1842, and the other for \$2,432, dated January 22, 1847, given to the order of George Parkman, signed J. W. Webster. There is also an account, or memorandum, in Prof. Webster's writing. The signatures of the notes are erased, and also the face of the notes is crossed. A memorandum on the first note states that this was to be given up on the payment of Webster's mortgage of January, 1847.

On the back, 1845, July 10, is the memorandum—"Interest is accounted by receipt, and seven dollars principal, leaving due \$393. Oct. 10, \$75." On the top of the note there is a memorandum—" \$483.64 paid Nov. 23."

The large note was payable in four years, with interest and one quarter of the principal to be paid yearly. This note was witnessed by Charles Cunningham.

Below, in pencil-mark, is a memorandum—" \$500 of the above is G. P.'s plus 332 = 832; for balance, see Mr. Charles C."; and on the top of it, "A payment to G. P. of \$832. Dr. W.'s other mortgage, and other note to G. P., of

June 22, 1842, to be cancelled."  
Then six words in pencil,  
" \$832.83½."

On the back, November 3rd, character for 7, " \$17.56 as per receipt." Then, in writing, "1848, April 18, received one hundred and eighty-seven dollars 50-100," signed "G. P." "Nov. 11, one hundred and eighty-seven dollars," by G. P., and receipt; and written across, in what would be shown to be the prisoner's hand-writing, "paid."

The memorandum is in the form of a letter, signed "C. C." and addressed to Dr. Webster, showing the amount of his indebtedness to Dr. Parkman, dated in 1849. In pencil-mark, at the bottom, is a memorandum, in the hand-writing of Dr. Webster, stating that the balance due Dr. Parkman, including interest, was \$483.64.

The paper was done up in the form of a letter, and addressed to Prof. Webster. There was a memorandum on the back of it, in Dr. Webster's hand-writing, "C. Cunningham, on debt due Dr. P."]

Mr. Clapp produced a memorandum, which he said he took from Prof. Webster's wallet on the night of his arrest, and put his marks upon for identification. Mr. Bemis read:

"Nov. 9, Friday, rec'd  
\$510.00  
234.10 out for Dr.  
Bigelow.  
Cash from Mr. Pettie \$275.90

Dr. Parkman came to the lecture-room, and stayed till students went out. He came to me and asked for money. I told him to call Friday, November 23rd. He was a good deal excited. Friday, November 23rd, went to his house and told him to call at half-past one, and I would pay him.

He called, and I paid him \$483.64, and he gave up two notes, and said he would go and get the mortgage cancelled."

[The \$234.10 out for Dr. Bigelow was a note of Prof. Webster's for that amount held by Dr. Bigelow, which was placed in Mr. Pettie's hands, and deducted by him from the amount, \$510, which he was to pay Prof. Webster. This left the amount which Mr. Pettie paid Prof. Webster in cash, \$275.10.

Mr. Bemis said they also proposed to put into the hands of the Jury two memoranda in pencil-mark, that were taken from Prof. Webster's pocket; one of which was "\$483.64." On the other was, "A jug molasses; keys; tin box; paint; solder.]"

MR. CLAPP.—On Tuesday, 27th, I was directed to go to the College, and search it.

We entered the College, through the apartments occupied by Mr. Littlefield. We tried the front door, and could not get in. We then went up the stairs, and tried the door to get into the laboratory. We then tried the lecture-room of Dr. Webster. Mr. Littlefield rapped; waited half a minute and rapped again, when Dr. Webster came to the door. I informed him that we wished to look over the College. He said the police had made a search before; but if we wished to do so, we could. I said to Dr. Webster, "We cannot believe, for one moment, that it is necessary to search your apartments."

We then went down to the laboratory. Saw nothing there that attracted much attention. We went into the College, to make a nominal search, so that we could have it to say in the neighbourhood

that we had been to the College. I had no suspicions of the College, and did not suppose it was at all necessary to go there.

I inquired of him at what time he saw Dr. George Parkman last. I told him that we were about to search all the houses in the neighbourhood, and I thought we would begin at the College first.

We went down to his table, where he stands to lecture. He said he saw him on Friday, the 23rd of that month, about half-past one o'clock, at that place. He came there by appointment. I asked him how much money he gave him that day, and he said he gave him \$483. He said Dr. Parkman turned round, and went up, with a hurried step, to the door, and he had not seen him since.

I then went to his back room, and passed in, and looked into the little room; and he said that was where he kept his valuables and dangerous articles.

I went into Mr. Littlefield's apartments, and searched every inch. We also searched every other part of the College—basement, garret, and under the floor. Then we went and accomplished what I supposed was the main object—searched all the houses in the neighbourhood.

On Friday, November 30th, about six o'clock, I was summoned to the College, where I met Mr. Trenholm, Dr. Bigelow, and others. I was the first that put a light in where the remains were. After we had come up from beneath, we went into the laboratory. The top of the furnace was covered up with pieces of freestone. On top of these were

minerals. I took up a piece of hard coal. There was something that adhered to it, that looked like burnt bone. The Marshal said, "Don't meddle with anything there."

I was directed by the Marshal to go to Cambridge. I took a coach, took Mr. Starkweather and Oliver H. Spurr with me, and went to the house of Dr. Webster. I met the Doctor on the front steps, showing a gentleman out of his house. I spoke to the Doctor before he got into the house, and told him we were about to search the College over that evening, and wished him to be present. He went into the front entry, and from there into the library, and put on his boots, his hat, and coat. When he got out, he said, "I should like to go back for my keys." I told him it was not necessary, as we had keys enough to unlock the College; and he said, "Very well."

I walked with him from the house to the carriage. We came over Craigie's Bridge. Had some conversation about the railroad; also, with regard to the efforts that had been made to find the body of Dr. Parkman. I told him what distances we had sent to trace out the reports of his having been seen. He said there was a lady over there (pointing towards the "Port"), who knows something about it—"Suppose we ride over and see her." I told him I thought we had better postpone it to another time. Dr. Webster said he had called on Dr. Parkman about nine o'clock on the morning of the 23rd, requesting the Doctor to call on him between the hours of one and two. He also stated that the

Doctor did call; that he paid him \$483, and that Dr. Parkman was to cancel the mortgage.

I inquired of Dr. Webster if Dr. Parkman had done so. I think his answer was, he did not know. I then asked him, in case Dr. Parkman was not found and it was not cancelled, whether he would be the loser. He answered that he would not. When we arrived near the bridge, I told him that soundings had been had about these waters, all above and below the bridge; that a hat had been found near the Navy Yard, supposed to be Dr. Parkman's.

We drove on till we got to Bridge-street, and the Doctor observed we were going the wrong way. I told him I thought perhaps the driver might be green. We arrived at the gaol, and I got out and went to the gaol-door, to see if there were any spectators there. I then requested the gentlemen to get out, and we walked into the gaol-office.

The Doctor got out and walked in, without making any remark whatever. After we got into the office, I opened the door to the rear office, and said, "Gentlemen, suppose we walk in here"; and they all walked in, without saying a word.

Dr. Webster now turned round to me, and said, "What does all this mean?"

Said I, "Dr. Webster, you recollect I told you, at the bridge, that soundings had been had above and below the bridge. We have been sounding in and about the College. We have done looking for the body of Dr. Parkman. We shall not look for his body any

more; and you are now in custody on the charge of the murder of Dr. Parkman."

He uttered half a sentence that I did not understand, and then said, "I wish you would send word to my family." I recommended to him to have it postponed till morning. I told him I thought it would be a sad night to them, if they knew it. He seemed inclined to speak to me a word or two, on the nature of the crime, and I said to him, "I think it would be better for you not to say anything on the subject."

He wished me to notify some of his friends that night. I recommended him to wait till morning, and told him that it would be of no use to him, for they could not see him, as things were then. I then told him I wished to see if he had anything about him improper to carry into gaol.

I took into my possession, that came from his person, a gold watch, a wallet and \$2.40 in money, and certain papers, an omnibus ticket-case, and five keys. One of the keys appeared to be a key of his house, and that I have given up. One of these keys was marked "lavatory."

I took all these articles, and carried them to the Marshal's office, and locked them up in my private drawer, of which I have the key, and did not see them again until Sunday, about twelve o'clock.

I left Dr. Webster in custody of Mr. Starkweather and Mr. Spurr. I made out a mittimus, and gave it to Mr. Starkweather, and told him not to commit the Doctor till he had heard from me. Mr. Spurr and myself then went to the Marshal's

office, locked up the articles I had taken from the Doctor, and then went in pursuit of the Marshal.

I did not find the Marshal. Went for the County Attorney, but did not find him. Went to the College, and found Dr. Webster there. I first saw the party in the laboratory, standing by the sink. They were waiting for the key to unlock the lavatory. Mr. Littlefield came, with some two dozen keys, and found none that would fit. We got several articles to pry open the door, and in doing so, the lock came off.

The next day I went into the laboratory, and found the lock where I had laid it. I found the screws, and put the lock on, and put the key taken from Dr. Webster at the gaol in, and found it fit.

I have some keys that I found at Dr. Webster's house, when I went there with a search-warrant, and they fit the doors of the College.

Soon after I went in, I found the Doctor facing the north side. He was in a great tremor. Some of them put a tumbler of water to his mouth, and I noticed his teeth hit the tumbler.

He did not seem to me to know what was going on. He did not seem to notice it. His teeth chattered, and he trembled. He appeared more like the "trembling madness" than anything else I could think of.

I obtained a warrant on the first day of December. I got Mr. Charles Cunningham to go out with me, and search the premises of Dr. Webster. I took a bank book from a drawer in his library.

I did not find anything locked



there. Searched the trunk over in which these papers were found, and it seemed to be filled with old papers. Saw none like those afterwards found.

If they had been there in the same condition at our first search as when I found them, I think I should have noticed them. We were directed immediately to go again.

There were other private papers in the pockets of Dr. Webster, not pertaining to this case. The keys produced are all that I found upon him; in coming over from Cambridge, in relation to the disappearance of Dr. Parkman, Dr. Webster said he believed Dr. Parkman to be an honest man, and that he should lose nothing by his disappearance. The conversation in the carriage was easy, and it was my endeavour to keep it so. We arrived at the gaol at quarter past eight, and at the College at some past ten.

CHARLES W. LITTLE, a Harvard student, said that at 2 p.m. on Thursday, November 22nd, Dr. Parkman asked him which was Dr. Webster's house. He pointed out the house.

SETH PETTEE, a clerk in the New England Bank, said it was his duty to sell tickets for the lectures at the College. On November 7th, he received 100 tickets for Dr. Webster's chemical lectures and on November 9th there was due to him \$510. He held a note of hand signed by Webster in favour of Dr. Bigelow which with interest amounted to \$234.10. The balance of \$275.90 he paid to

Dr. Webster by cheque. About the middle of November there was a further sum of \$195 due to Dr. Webster for sale of tickets. This was paid by cheque. Again on November 16th \$30 was paid to Littlefield for Dr. Webster. On November 23rd he gave Dr. Webster a cheque for a further 90 dollars.

On November 12th, Dr. Parkman called on the witness and inquired if he collected the funds for the Medical College. He was told that Dr. Webster had been paid all that was in hand a few days before. The witness asked whether anything was owing by Dr. Webster. Dr. Parkman replied that that might be judged from his inquiries.

On November 14th, Dr. Parkman called again and asked if any funds of Webster's were in the hands of the witness. He replied that he had just paid over all that was due. Dr. Parkman observed that he had thought he had given a hint to retain the funds. The witness replied that he had no control over the money. Parkman said, "If you had done it you would have been doing justice to Dr. Webster and all concerned," and that he should be obliged to distress Dr. Webster and his family. He added some remarks the import of which was that Dr. Webster was not an honest nor an upright man, and he asked him to tell Webster so.

MR. PETTEE went on: On the morning of the 23rd, I went to the College, to pay the \$90 in my hands.

I apologised to Dr. Webster for coming so early. I told him that

Dr. Parkman had called upon me several times, to inquire if I had any funds of his in my possession; and that therefore I did not wish to have any trouble with Dr. Parkman, and had come to pay the money over to him. Professor Webster replied, "Dr. Parkman is a curious sort of man, rather nervous, and has been at times subject to fits of aberration of mind"; so much so, he believed he was once obliged to put his property out of his hands, and that Mr. Blake, a relative, attended to his business.

After making these remarks, he said, "You will have no further trouble with Dr. Parkman, for I have settled with him." I then paid Dr. Webster by a cheque for \$90 on the Freeman's Bank. On the same afternoon (Friday, the 23rd), between four and five o'clock, I went to the College, and passed up to the front door; I rang the bell, and a woman looked through the side-lights, and asked if I wanted Littlefield? I replied that I did. She said that if I would go to the side door, I could find him. I went to that door, and met Mr. Littlefield; he was in his usual dress, but without shoes and stockings. He said he wanted me to fill up a ticket for a student, who was going to leave town the next morning. I gave the ticket to Mr. Littlefield, and left. The following day (Saturday, the 24th), at about three o'clock in the afternoon, I again went to the College, through the front entrance, and into Professor Ware's lecture-room, and saw Mr. Littlefield sitting upon a table.

My visit to Dr. Webster on

Friday morning was especially to pay over to him the money in my hands. I sent to him no word that I should pay him money that morning. At the interview with Dr. Parkman on the 14th, relative to Dr. Webster and the funds belonging to him in my possession, his language was hard, but not profane. At the first interview that I had with him, when I told him that I had paid over to Dr. Webster all the money in my hands, he replied, "The de'il you have" —or something to that effect. His message sent by me to Dr. Webster contained no profane expression. I think I did not communicate Dr. Parkman's message to Dr. Webster, that he was a dishonest man; but I told him I did not wish to have any trouble with Dr. Parkman relative to the funds.

*Cross-examination.*—I have no means of knowing how many students attended Dr. Webster's lectures, only of the tickets sold; the bills that were paid on the cheque for \$275 were on the New England Bank. I had no other business with Dr. Webster, on the morning of Friday, the 23rd of November, than to pay him the money in my hands. The expressions of Dr. Parkman, when I told him that I had paid over the money to Dr. Webster, were very harsh, and he appeared to be quite excited.

*Re-examination.*—I communicated to Dr. Webster, I think, no such language from Dr. Parkman, as that he was a — rascal and a — whelp. If I had communicated such language, I think I should have remembered it.

JOHN B. DANA.—I am cashier of the Charles River Bank. I have known the defendant for the last twenty years; he kept an account at our bank in November last.

On November 10th, a cheque on the Freeman's Bank for \$275.90 was deposited in our bank by Professor Webster; November 15th, he deposited \$150 in bills; November 24th, a cheque for \$90. On November 23rd, the balance in the bank to the credit of Professor Webster was \$139.15 cents; this balance is struck from the cheques actually drawn up to that time. On November 1st, his balance in the bank was \$4.26 cents. There were no deposits after November 24th. On December 1st, we paid a cheque of Prof. Webster's for \$93.75, for rent. Do not know when it was drawn. December 3rd (Monday) paid \$5, \$13, and \$19; those are the last cheques that were paid; for the balance, found to be about \$68, a trustee process was issued on December 1st, which we paid into the hands of the party who trusted.

DANIEL HENCHMAN gave evidence that a cheque for \$10 given him by Dr. Webster on November 23rd had been dishonoured on November 30th.

JAMES H. BLAKE.—I am nephew of the late Dr. George Parkman; I assisted in the search for Dr. Parkman. On Sunday afternoon, about three o'clock, I was talking to several police officers near the College. While there, Dr. Webster came from the direction of the College towards me.

He took me by the hand, and said that, on the evening before, he saw in the *Transcript* a notice of the disappearance of Dr. Parkman, and that he had come in on purpose to notify the family that he was the person who went to Dr. Parkman's house on Friday morning, and made an appointment with him at the Medical College, at half-past one o'clock. That was the first we knew of the person who called at Dr. Parkman's house. Prof. Webster said that Dr. Parkman met him at the hour appointed, and that he paid him the amount of the note, and that Dr. Parkman said that he would go to East Cambridge, and discharge the mortgage. Said Prof. Webster, "We all know Dr. Parkman to be an honest man, and I trusted him with it." He then said that he should go up and see the Rev. Dr. Francis Parkman about it. Dr. Webster said, on that morning he went to church, and he thought he would wait until the afternoon before he came in. After this conversation, Prof. Webster went into the Medical College. When he met me, he took me by the hand rather suddenly; but I noticed nothing uncommon or unusual. He held me by the hand nearly all the time we were talking. He made no inquiry relative to any search that we were making for Dr. Parkman.

REV. DR. FRANCIS PARKMAN.—I am brother to the late Dr. George Parkman. Have known Prof. Webster for a great many years; first, when he resided at the North end, in his father's house; he attended at my church. After he moved

to Cambridge, I was called to perform pastoral offices for him within three months of the disappearance. I was called upon, by the son-in-law and daughter of Dr. Webster, to baptize their son, the grandson of Dr. Webster.

On the Sunday after the disappearance of my brother, we were in great perplexity and distress. About four o'clock in the afternoon, Dr. Webster came to my house. Immediately upon entering the room, he said, "I come to tell you that at half-past one, on Friday, I saw your brother, and paid him some money." Either myself or Mrs. Parkman said, "Then you are the gentleman that called at George's house, at half-past nine on Friday morning, and made the appointment." He answered that he was, and that he should have come and told us before, but that he did not see the notice until Saturday evening, and that he waited till now because he supposed the family would be at church. I then said, "Dr. Webster, we are glad to see you, and to learn that you are the person who called upon him; for we feared that he had been lured by someone to East Cambridge, to do him some harm." Dr. Webster said, "He did come to the College, on Friday, and I then paid him \$483, and some odd cents." I asked him if he was perfectly sure of the hour; to which he answered, "I am quite certain." I asked him this question, because two men had called at my house, and stated that they saw my brother, at some distance from the College, on Grove-street, on Friday, November 23rd, but not so far that he might not have

reached the College at half-past one. He said, "My lecture ended at one, and I waited twenty minutes or half an hour." I asked him if he saw any papers or bundles in his hand. Dr. Webster said, "Yes, he had some papers, and he took out one and dashed his pen across the paper,"—making a sudden motion, to intimate the mark intended to represent it as sudden and violent. Dr. Webster said that he, upon paying the money, remarked that the mortgage was not cancelled; to which Dr. Parkman replied, with quickness, "I will see to that, I will see to that." He then said that Dr. Parkman went out of the College with great rapidity.

I then asked Dr. Webster if he could inform me whether my brother actually went to Cambridge to cancel the mortgage. He said he could not tell, but that he would go to the Register office and find out. His manner I could not but observe to be hasty; there seemed to be in him great nervousness of manner. He commenced upon his business immediately upon entering the room, and it was impossible for me not to remark that there was no expression of surprise at the mysterious disappearance, and none of sympathy. I should describe it as a business visit. His characteristics are activity and quickness, and therefore his conduct at the interview did not impress me so strongly at the time; there was a certain flurry of manner that I had not observed at former interviews. What particularly struck me, was the absence of that expression of sympathy natural to give to those in perplexity and distress. He was there from ten to fifteen minutes.



My impression is, that he wore no overcoat.

My brother was amongst the most punctual of mankind. He was almost invariably at his regular meals. He had a wife, a son, and a daughter. His daughter had been a great invalid, and he paid a great deal of attention, and

was a good deal with her. His son was away, at the time, in Europe. I believe I may say, with confidence, that my brother never used profane language. When he was moved, he would express himself strongly; but I think I may say that I never heard him use a profane word.

[The Court adjourned.]

## SEVENTH DAY. Tuesday, March 26th

RALPH SMITH said that during October 1849, he had received a letter from Dr. Webster asking indulgence in settling an account till he had received his fees from the students.

SAMUEL D. FULLER, a police officer, said: On Sunday, November 25th, I went to East Cambridge, to the Register of Deeds, to ascertain if Dr. Parkman had been there to get a mortgage cancelled. Mr. Thompson, the clerk, said that we would better go and see Dr. Webster, as that would be the quickest way to get the names to enable us to find it on the records. We reached Dr. Webster's just at the edge of the evening. Dr. Webster came to the door. The clerk told our business. After going in, Dr. Webster opened an account-book, and after turning over the leaves two or three times, left the room. He seemed to tremble. He was gone some two or three minutes, and then came back, and sat down in a chair, and said, "It is strange I cannot find those papers." He got up, and went to his trunk, and overhauled his papers. He went back to the account-book, turned the leaves over two or three times, and then had some conversation with the clerk. He sat down again, and said, "My ticket-man said that Dr. Parkman came to him the

other day, and demanded what money he had in his possession, for tickets sold. My ticket-man refused to let him have the money; Dr. Parkman, thereupon, told my ticket-man that I was a d—d rascal and scoundrel." Webster said, "I don't care for it now, but I did at the time. I have settled with Dr. Parkman, and it is all over." Dr. Webster had some conversation with the clerk, and told him that the mortgage was on personal property, and not on real estate. I said we would go to the City Clerk's and see if Dr. Parkman had been there. We then left. I saw no more of Dr. Webster that night.

[The witness gave similar evidence to Clapp as to the search of the College on Tuesday, November 27th.]

I am the officer who found remains in the tea-chest. I had been searching, Saturday, November 30th, from half-past eight till a few minutes before four. I had seen the chest once before. Mr. Rice, Trenholm, Butman, and others, were there; there were some six or eight of them. I told them that I would take that side of the building, and search everything. I looked over the bottles, etc., in the laboratory. I looked at the box, and thought it was where he kept his minerals; but as I meant to search everything, I commenced taking off some of the

minerals. The writing on the labels looked fresh, and after I had taken out a few minerals, I noticed some tan; and I then ran down my hand through the minerals into the tan. I put my hand into the tan as far as my wrist, and drew out a large knife; opened it, looked at it, shut it, and put it into my pocket. I made a remark, that I thought that there was something besides minerals there. I then took the chest out into middle of the room, and turned it out, and there were the remains of a human body—a thorax and other parts. When the contents of the chest came out, the back was up, as I turned out the remains. I found a hole in the trunk, in the left breast, about the region of the heart. The tan was scraped off by the hand. Someone took up a stick to scrape it off; I told them not to touch it till the Coroner had been called. I made a remark, that I thought the knife would fit the wound; but I did not try it.

*[The tea-chest in which the remains were found was here shown to the Jury. It was a common one, without the lead lining. Three sides of it were covered with heavy marks of blood on the inside, as though the wood was well saturated with it.]*

I also found a kidney. I remained in these rooms five weeks, lacking one day—from early in the morning to eleven o'clock at night. We allowed no one in without a permit from the City Marshal or the Mayor. I watched Littlefield very closely, and did not allow him to move an inch without watching him, as I was ordered. The lavatory hole was nine and three-

fourths inches each way. We tried to get the thorax through the hole, but could not, as it was not large enough. The pelvis would go through by turning it up, as I called, edgeways.

We made experiments in regard to hearing noises from Dr. Holmes' room, and Dr. Webster's laboratory, by shouting. Both doors were shut at the time. This experiment was made by someone who came in with a permit. I was upstairs, and the other person was below; and then we changed. We could not hear each other.

*[A small plate and stick, both having ink on them, were here shown to the witness.]*

The plate stood in the upper laboratory, on a bench. The stick lay under the table, on the floor.

*Cross-examination.*—I measured the seat after it was taken up from its place. The seat was up. The pelvis went through quite easily, but there was no room to spare. There was tan in a bag, and about half a bushel in a barrel. The bag lay about eight or ten feet from the door of Mr. Littlefield's store-room. The bag was very nearly full. The knife was shut. I think I put it in my pocket.

I said the tea-chest was found Saturday, a few minutes before four o'clock. When the thorax first came out, it fell back up. I saw the hole after I had looked at the thorax some four or five minutes. I turned it over, and saw it when I turned it over. A string was not tied round the thorax, but it was round the bones of the thigh.

I allowed no one to meddle with

the remains till the Coroner's Jury came about half-past four o'clock the same afternoon. I never saw Thompson, after he went out to Cambridge, till I saw him here at the trial. I told this gentleman that I thought Dr. Webster's conduct very singular, but I didn't know but what it was his way. This was after I left Dr. Webster's house, at the time we went to Cambridge about the mortgage. I thought he trembled. I had no suspicion of Dr. Webster at the time. I didn't know but what it was his manner.

We arrived at Cambridge just after dark. I shouldn't think we were there more than twelve or fifteen minutes. We went to ascertain the date of the mortgage.

SAMUEL PARKMAN BLAKE.—I am nephew of the late Dr. Parkman. I heard that Dr. Webster had paid Dr. Parkman some money; and so I called to see him, on Monday morning, between the hours of ten and eleven, at the College.

As soon as I entered the lecture-room, I saw Dr. Webster coming out of his laboratory. I said I had heard he had paid Dr. Parkman some money, and had called to inquire the particulars respecting it. He then went on to state that, on the preceding Tuesday, the 20th, his lecture-day, Dr. Parkman had called there, before his lecture had closed; and he said he sat down. After the lecture, Dr. Parkman came up to Dr. Webster, with a paper, and said, "Doctor, I want some money." He said he was very much affected, and quite angry; and said, "You have \$500 in your pocket, and I want it."

Dr. Webster said, "I told him that I could not pay him on that day; that I had not collected all the money." Dr. Parkman said, "When will you pay it?" "I said, 'On Friday.' Dr. Parkman then went out. On Friday, November 23rd, I called at Dr. Parkman's house. I saw him at the door, and told him if he would come to the lecture-room that day, I would settle. He did come, about half-past one o'clock."

I asked him how he knew about the time. Dr. Webster said, "My lecture had finished, and some of the students stopped to ask questions; and, after getting through with the students, they went to look at some pictures, recently purchased, in the back room, and then went out. Very soon, Dr. Parkman appeared; seemed to be in a great hurry, and came up to my table and asked me if I was ready for him. I said I was. Dr. Parkman then took out of his pocket a bundle of papers, done up rather loosely in brown paper. From this bundle he drew out some notes, and I took out the money and paid it. He seized the money, and was going off. I said, 'There is one thing you have forgotten, Doctor—that is, the mortgage.' Dr. Parkman said, 'I haven't it with me, but I will see that it is properly attended to.' He then rushed out of the lecture-room, with these papers carelessly exposed to view."

I then asked him in what money he paid him. He said he didn't recollect much about it, except one \$100 bill on the New England Bank; there were other bills, from \$12 to \$50. I asked if he had the



notes Dr. Parkman gave him. He answered in the affirmative, but in a way that made an impression on my mind at the time. I asked if anyone was present during the interview. He said, very emphatically, "No."

There was nothing further of importance. I had been acquainted with Dr. Webster for a good many years. On my entrance, his manner was peculiar. It seemed to want that cordiality which was usual with him. He seemed to look pale. He received me in a stiff manner. I think he didn't put out his hand, to shake hands. His manner, when he spoke of Dr. Parkman, surprised me, by the expression "angrily," at this time, when the family were in deep distress. He expressed no sympathy. He stood rather stiffly, and let me approach him, instead of partly coming to meet me. He made no inquiry about Dr. Parkman's family at all.

This interview did not last more than fifteen or twenty minutes—perhaps fifteen. We talked of other general topics. I went out the same door I entered. I heard the door bolted after me.

CHARLES B. STARKWEATHER, a police officer, told of the first formal search of the Medical College on Monday, November 26th, and of the arrest of Professor Webster. The prisoner was left in charge of the witness at the gaol while Clapp might go for the Marshal and Mr. Parker.

Immediately after Mr. Clapp went out, Dr. Webster called for water, and drank. He asked me if they had found Dr. Parkman. I

told him I wished he wouldn't ask me any questions, as it was not proper for me to answer them. He said, "You might tell me something about it.—Where did they find him?—Did they find the whole of the body?—How came they to suspect me?—Oh! my children! what will they do!—What will they think of me!—Where did you get the information?" I asked the Doctor if any one had had access to his private apartments. He answered, "Nobody has had access to my private apartments, but the porter, who makes the fires." There was a pause for some minute and a half; then he exclaimed, "Oh, that villain! I am a ruined man!" He said nothing more, but walked the floor, wrung his hands, and sat down. He seemed to put his hand into his vest pocket, and put it up to his mouth. In a moment he had a spasm. I went up to him, and asked him if he had been taking anything. I thought, by his appearance, he had. I took hold of him, and raised him up, and he walked the floor. I was with him about an hour.

Mr. Clapp came back, and told me he had not found the Marshal and Mr. Parker. I went to the Doctor, and told him that we must commit him. He couldn't stand. I asked Mr. Cummings, one of the attendants at the gaol, to take hold of him. We put him in the lock-up. I told Mr. Cummings that I thought he had been taking something, and he had better send for a physician. The lock-up is under the office, not in the gaol proper. Mr. Clapp thought it was not best to send for a doctor, unless the

prisoner got worse, but to attend to him ourselves. We had to lay him into his berth. He lay on his side, and turned over on to his face. He appeared like a man in a fit.

I saw Dr. Webster again, at the Medical College, about three-quarters of an hour after. Dr. Webster, Mr. Parker, Mr. Clapp, and several others, were in the upper laboratory when I arrived. I only saw two doors broken open. One was a lavatory door.

Someone asked where the furnace was, and Mr. Littlefield walked towards it. The Doctor appeared very much agitated in the laboratory. Not so much so upstairs as downstairs. I went down with Mr. Littlefield, and handed up the remains to Mr. Hopkins. I don't remember that the Doctor said anything, but he asked for some water. He tried to drink, but spilt it all out. The remains were brought out by the scuttle door, and there the Doctor stood, looking at them. I was at the Medical College daytimes, but not nights, after the remains were found. I found fish-hooks and twine.

*[The fish-hooks and twine were here shown to the Jury. The fish-hooks were apparently the size of the largest kind of cod-hooks, nearly five inches in length. Three of them were bound together with stout twine, or marline, so as to form a grapple; and, a little above the place where they were joined, was a piece of lead, of about four or five ounces in weight. Some three or four more were shown, of the same size; some single and some bound together. With one of the bunches there was a heavy sinker, perhaps weighing six*

*or eight ounces. The twine was heavy and stout, of about one-half the size of an ordinary clothes-line.]*

These were all found in Dr. Webster's private room, on Friday night. I took them on Saturday. They were rolled up in a newspaper, all in one bundle in a large closet, on a shelf. The lead was found with them.

I was in the upper laboratory in the afternoon of Saturday, and heard my name called by someone below, and went into the lower laboratory. There I saw Mr. Fuller bringing a tea-chest, from the front part of the lower laboratory, out into the middle of the room. He emptied out a thigh, and other parts, with a quantity of twine round the thigh. I cut a piece of it off.

*[The twine was produced.]* It all came from the thigh. *[Some twenty-four skeleton keys were offered to the witness by the Prosecuting Attorney.]* These keys, except one, I found in Dr. Webster's back private room, on a shelf, tied up as they now are.

There is a key fitting the dissecting-room. That key fits the door of Dr. Webster's lecture-room, and store-room door. The second key fits the outer lecture-room door, and bears marks of being filed. The third key fits front door, and the door underneath the steps; a brass key. They were all found together, in the back private room. These are all the keys that I know anything about.

When Dr. Webster was brought to the Police Court, I said, "Dr. Webster, I found some keys in your room." Dr. Webster said,

"What, those that were filed? I picked them up in Fruit Street, and threw them there, into the cupboard."

*Cross-examination.*—I went everywhere—to Salem, Billerica and other towns, in search of Dr. Parkman.

When I saw Littlefield at the College Friday, at half-past four, I asked if every place had been searched. He said, "Yes, except Dr. Webster's lavatory." I asked if we couldn't look into that. He said, "No," that "Dr. Webster had the key, and had gone." I told him that we would come in the morning and see it. That is all the conversation. I next saw Dr. Webster on Friday, the day of his arrest. All the keys were in the same room, in the closet. I said to Dr. Webster, at the Police Court, that I had found *some* keys in his room; not *skeleton* keys. The rest of the keys do not fit any place, as I know of. The keys were all together. Mr. Clapp said that we had keys enough to fit, and that we needn't go back—that is, when Dr. Webster offered to go back after the keys at his house. I have given the exact words of conversation at the gaol. I wrote them down while the Doctor was there; I did not write down my own language.

CHARLES B. RICE also gave evidence of the various police searches at the Medical College.

SAMUEL LANE, jun., a hardware dealer, said that on the Monday or Tuesday after Dr. Parkman's disappearance Dr. Webster applied

at his store for fish-hooks. The witness had none in the store.

JAMES W. EDGERLY, a hardware dealer, said that on Tuesday, November 27th, a person he afterwards identified as Dr. Webster purchased half a dozen large fish-hooks, which he was now able to recognise by a private mark and their unusual size.

WILLIAM W. MEAD, a hardware dealer, said that a man he believed to be Dr. Webster called on the Friday after Thanksgiving Day. Dr. Webster asked for fish-hooks to form a grapple. He sold him three and showed him how to put them together to form a grapple.

TRUMAN M. TYLER, a twine manufacturer, gave evidence that certain pieces of twine had unusual and identical characteristics.

NATHANIEL WATERMAN.—I am a tin dealer; I have known Dr. Webster for ten or twelve years. He was in my store on November 30th, about ten o'clock in the forenoon—the day of his arrest. Seeing him talking with my foreman, I walked up, and said, "Doctor, you must excuse me, but I must ask how Dr. Parkman appeared when you gave him the money?" He said he took the papers in his hand, and darted out in a peculiar manner. I said, if that was the case, someone, seeing the money, enticed him into one of his own houses, before he got a great way from the College. I said that if he was found, he would be found in a cellar of one of his own houses; for I did not believe the story of his going over

Cambridge Bridge. Dr. Webster then said, "Dr. Parkman *did* go to Cambridge"; and then said he was sure he went there. He said so quite energetically. He then said, "Only think—a mesmeriser told the number of a cab, and Mr. FitzHenry Homer found the cab, and spots of blood on the lining of it." That is all that was said about Dr. Parkman.

Dr. Webster stated that he wanted a tin box made. He said he was going to have a number of small things put into it, and the sides must come up straight with the edges not turned in. He said small things—say books, etc. He then spoke of having the handle very strong, and on the cover. He wanted it made so he could solder it up himself; for, he said, "You know I can do such things myself." I left him standing with my foreman; I had no further conversation. There was to be only one handle, and that on top. The Doctor wanted the handle made very strong. The box was completed Saturday morning, and labelled, "to be called for," and "charged," and has not since been called for.

CHARLES P. LOTHROP.—I am in Mr. Waterman's store. I remember Dr. Webster calling to have a small tin box made. This was November 30th, at ten o'clock. I asked what size he wished. He gave me a piece of paper, describing it as eighteen inches square and thirteen deep. He wanted it made of thick tin. I told him we usually made them of light tin, as long as it was not necessary to keep the air out.

The witness corroborated Mr. Waterman's account of his conversation with Dr. Webster.

SAMUEL N. BROWN.—I am one of the toll-gatherers on Cambridge Bridge. I had a conversation with Dr. Webster, the day of the arrest. I was in a grocery store, a little before four o'clock. I saw Dr. Webster pass; I went out, and walked with him down to the toll-house. I asked him if he could recognise a twenty-dollar bill I had taken in the morning. On the morning of November 30th, an Irishman came along with this \$20 bill, for me to take one cent for toll. I felt interested, and asked Dr. Webster if he recognised that bill. He said, No. The money he paid Dr. Parkman was that which he had received from the students; some in large, and some in small denominations. We parted a little this side of the toll-house, and I had no more conversation with Dr. Webster.

MRS. BETSEY BENT COLEMAN.—I reside in Cambridgeport. Have known Dr. Webster a number of years; I saw him Friday, the day of his arrest, at my house, at about four o'clock. He inquired, when I came down, at what time I had seen Dr. Parkman last. I told him I thought I saw him Thursday, the day before his disappearance, as I was sitting at my window. "It was on Friday, you say," said he. "No," I answered. "I was busy on Friday, in the lower part of the house." "How was he dressed?" I told him in dark clothes. I asked him if he had heard anything of him. He said



that there had been a coat or cloak fished up, which was thought to be his, which had spots of blood on it. There was a hat found, likewise. I said, then, "Oh, dear, then I am afraid he's murdered." He said, "We are afraid he is." He said there was a \$20 bill left at the toll-house, by an Irishman. That was all he said then. He asked me twice or three times if I was sure that it was Thursday. I think I saw Dr. Parkman on Thursday afternoon. I saw Dr. Webster to the door. He repeated, at the door, "Wasn't it Friday you saw him?" I told him, No. That was the last I saw of Dr. Webster.

SAMUEL D. PARKER, attorney for the Commonwealth, for the County of Suffolk, told how the discovery of the remains was reported to him and of the steps that he took in consequence. He proceeded:

Dr. Bigelow and Dr. Martin Gay were sent for, and accompanied me to the gaol. We inquired for Mr. Andrews, the gaoler. He was not there. Mr. Leighton, the clerk, however, came. He went downstairs, and brought Dr. Webster up, two men holding him up, and placed him in an arm-chair. Dr. Webster recognised Dr. Gay and myself. Water was handed him, but he could not drink, he shook so. Dr. Gay assisted him, as he was not able to hold the tumbler in his hand. He was greatly distressed, and spoke of his wife and children. I begged him to be calm, as we had not come to harm him; that some discoveries had been made, which required explanation. I understood that one or two of his private rooms had

not been opened, and requested him to go to the College. He said he wished to have Mr. Franklin Dexter and Mr. William H. Prescott sent for. I said to him that Mr. Prescott had moved out of town. He replied that his family were at the Revere House. He spoke about the distress of his wife and children, and said, "Oh, my wife and children!" I told him there was another family who, for the week past, had been in great distress. I was incredulous when I left my house. I told him I hoped to God he would be able to explain all satisfactorily. I told the officers that Dr. Webster was not to be interrogated.

[Mr. Parker gave similar evidence to that already detailed of Dr. Webster's first confrontation with the remains.]

JOHN N. CUMMINGS, turnkey of the gaol, said that when Webster was charged he made no answer. He did not appear to have the use of his limbs. We carried him down to the lock-up, and hoisted him up into a berth, and left him. He spoke about his family, and wished for water.

Mr. Parker came to see Dr. Webster. Ultimately the prisoner was carried upstairs and assisted into a coach.

When we got to the College, went on Cummings, we helped him out, and up the steps. He lay some few minutes on the steps, before the door was opened. He trembled, and sweat very much. His face was quite red. The weather was cold at the time. After a while, a light was brought. We went into the College.

Down in the little room they found a coat, and the Doctor remarked that it was the one he lectured in. When searching the drawers, he said, "I don't know what they want there; they won't find anything there."

When we went back to the coach, we hoisted him into the coach. He could not help himself at all.

We rode back to the gaol. I noticed his pantaloons were quite wet, when I put my hand on his leg. I noticed his under-coat was quite wet, when we took off his over-coat, in his cell. After we got back to the gaol, we put him in his cell. He was left on his back, with his head up. We came down twice during the night; about one o'clock, and about half-past two. Found him in the same way that he was left, both times. He appeared in considerable distress, when in his cell.

GUSTAVUS ANDREWS, keeper of the gaol, spoke of the demeanour of the prisoner when the remains were produced. He appeared much agitated. He appeared to put his feet down, and brace himself up. I asked Mr. Parker if he wished anything further of Dr. Webster. He said, "I have nothing to say." I went out, and called a carriage. When Dr. Webster was put in, he appeared helpless, and was lifted in. He looked like a man that was faint. The first word he said, in the carriage, was, "Why don't they ask Littlefield? He can explain all this. He has the care of the dissecting-room. They wanted me to explain, but they didn't ask me anything. What will my family

think of my absence?" I said, "My dear sir, I pity you; I am sorry for you." He said, "You pity me! You are sorry for me! What for?" I said, "To see you so excited." He said, "Oh, that's it!" I don't recollect anything more being said, till we reached the gaol. We left him in his cell. I don't think he moved much, during the night. In the course of the forenoon, he was able to sit in a chair. Saturday morning, he said, gratuitously, after he was in a chair, "This is no more Dr. Parkman's body than it is my body; and how in the world it came there, I don't know." He then said, "I never liked the looks of that Littlefield, the janitor. I opposed his coming there, all I could." I think there was nothing more. He perspired very profusely the night before; that is, Friday night. I have a letter, which was brought up to be sent out. It is a rule of the gaol, that all letters must be examined by the officers, and then laid on the table, and I send them. This letter was brought up Tuesday morning. It was in Professor Webster's handwriting. Mr. Holmes, junior, turnkey, called my attention to it. I said I shouldn't let it go till some officers called for those papers. I went to Mr. Clapp, and told him about the clause.

Other notes of his went, but this I retained. I told Dr. Webster, if he had anything to communicate to his family, of a domestic character, that he did not wish me to hear, he might communicate it to his daughter. I told Mr. Prescott, and Mr. Cunningham, the same thing.

[*The letter was here put in, by Mr. Bemis, which Mr. Andrews had stopped at the gaol.*]

"Boston, Monday evening.

MY DEAREST MARIANNE :—I wrote mamma yesterday, and Mr. C., who was here this morning, told me he had sent it out. I had a good sleep last night, and dreamt of you all. I got my clothes off, for the first time, and awoke in the morning, quite hungry. It was a long time before my first breakfast, from Parker's, came; and it relished, I can assure you. At one o'clock, I was notified that I must appear at the court-room. All was arranged with great regard to my comfort, and avoidance of publicity, and this first ceremony went off better than I anticipated. On my return, I had a bit of turkey, and rice, from Parker's. They send much more than I can eat, and I have directed the steward to distribute the surplus to any poor ones here.

If you will send me a small canister of tea, I can make my own. A little pepper I may want some day, you can put up, to come with some bundle. I would send the dirty clothes, but they have been taken to dry, and have not been returned. I send a kind note, I received to-day, from Mr. Curtis. Prof. Peirce and Horsford called to-day. Half a dozen Rochelle

powders, I should like. Tell mamma *not to open* the little bundle I gave her the other day, but to keep it, just as she received it.

Hope you will soon be cheered by receipt of letters from Fayal. With many kisses to you all, Good-night, from

Your Afft. Father.

My tongue troubles me yet, very much; and I must have bitten it, in my distress, the other night. It is painful, and swollen, affecting my speech, somewhat.

Had mamma better send for Nancy—I think so; or aunt Amelia.

Couple of coloured neck-handkerchiefs. One madras."

*Cross-examination.*—I kept it because of the passage—"Tell mamma not to open the little bundle I gave her the other day, but to keep it." I retained the letter on that account.

ELI C. KINSLEY, a postmaster of East Cambridge, identified a letter which reached his office on November 30th addressed to Marshal Tukey.

FRANCIS TUKEY identified three anonymous letters he had received.

[The Court adjourned.]

EIGHTH DAY. Wednesday, March 27th

NATHANIEL D. GOULD.—I am an old resident of the city. I am not personally acquainted with the defendant. Have seen his handwriting in signatures to medical diplomas. I have filled the diplomas for several years. The names of all the Professors are attached to these diplomas. In filling those out, I have had occasion to see his signature. I have paid particular attention to penmanship, both teaching it and practising it, out of a natural curiosity. I have also published on the subject of penmanship. I have been engaged in teaching it for fifty years.

[The witness expressed the opinion that the anonymous letters to City Marshal Tukey were written by the prisoner, and Mr. George C. Smith, an engraver, gave similar evidence. The letters were put in evidence.]

*Boston, November 31st, '49.*

Mr. Tukey,  
Dear Sir,

I have been considerably interested in the recent affair of Dr. Parkman, and I think I can recommend means, the adoption of which might result in bringing to light some of the mysteries connected with the disappearance of the afore-mentioned gentleman.

In the first place, with regard to the searching of houses, etc., I would recommend that particular attention be paid to the appearance of cellar floors; do they present the appearance of having been recently dug into and covered up again; or might not the part of the cellar where

he was buried have been covered by the piling of wood? Secondly, have the out-houses and necessities been carefully examined; have they been raked sufficiently?

Probably his body was cut up and placed in a stout bag, containing heavy weights, and thrown off one of the bridges,—perhaps Craigie's. And I would recommend the firing of cannon from some of these bridges, and from various parts of the harbour and river, in order to cause the parts of the body to rise to the surface of the water. This, I think, will be the last resort, and it should be done effectually.

And I recommend that the cellars of the houses in East Cambridge be examined.

Yours respectfully,  
CIVIS.

*[The following one is the letter post-marked November 26th, directed to Francis Tukey, City Marshal. The envelope also contained the name on the inside, which was still legible, through an erasure.]*

Dr Sir—

You will find Dr. Parkman  
Murdered on brooklynt  
heights. yours, M.—  
Captain of the Darts.

*[The next one read was one directed to "Mr. Tukey Boston," taken from the East Cambridge post-office by the postmaster, and handed to Mr. Tukey in advance of the mail. It was in a light pink envelope, looking something like chemical filtering paper. It was written on both sides of a small scrap of white paper, with the edges roughly torn. The address on the outside was done in italics.]*





[OPENING FOR THE DEFENCE]

MR. EDWARD D. SOHIER :—*May it please your Honour and Gentlemen of the Jury :*

I am aware that it is usual—perhaps it may be considered as imperative upon the Counsel, in a case like this—to call the attention of the Jury to the situation of their client ; and to comment, in strong language, upon the importance—the vast importance—of the interests which he has at stake. But, gentlemen, I shall not do this ; I cannot do it.

We are here, gentlemen, as the learned Counsel told you, in the discharge of our various duties as officers and as ministers of the Court, to discuss and determine that one great question, which, for months, has absorbed the attention, and has agitated to their very lowest depths the feelings, of a great community ; to wit—Is the life of Professor Webster, now the prisoner at the bar, forfeited to the laws of his country, upon the ground, and for the reason, that it has been proved here, beyond a most reasonable doubt, that he has been guilty of one of the most horrible offences that can be found in the long, dark catalogue of crime ?

As between the prisoner and his Jury, as between man and man, speaking as between friends, I do not pretend to say that we have felt, or can feel, positive, that there is no man upon your panel untainted by prejudice. By no means are we to forget, gentlemen, the great excitement which existed in this city when it was first bruited abroad that George Parkman was murdered. Do we now forget that men then quit their avocations—that they were clustered together in the corners, in the doors, in the stores, the houses, and the

churches—and that their conversation was upon this one point, and upon no other? Have we forgotten the great indignation that was excited in this community—so creditable to the community, but so dangerous to the defendant—when it was first announced that his body was found in the Medical College, in the laboratory? Have we forgotten the prejudice against Professor Webster? Have we forgotten these things? By no means! They are burned into our memories, and we shall not forget them.

I have thought, gentlemen, that, in opening this case, I might perhaps the best diminish the labours of the closing Counsel—instead of stating to you minutely, or in detail, the circumstances which we intend to prove here, in defence—by calling your attention, first, to the rules of law which are descriptive of the offence charged; what it is, gentlemen; what the definition is of the offence, as the Government have charged it against him.

Secondly, that I should call your attention to the rules of law, as applicable to the manner in which that offence is charged; that is, to the indictment. Thirdly, gentlemen, that I should call your attention to the nature of the Government's evidence, and to the rules of law applicable to that kind of proof. Then, gentlemen, that I should state to you, with great brevity—and merely by scheduling together in heads—what the facts are which we intend to give in evidence; which facts, when proved, taken in connection with such of the Government's facts as you shall conceive to be entitled to credit—on which you can rely with any confidence—will constitute the entire mass of evidence on which you will eventually have passed.

First, then, with regard to the rules of law which describe the offence charged. The offence charged here, gentlemen, generally, is murder.

Now, inasmuch as this indictment charges Professor Webster with murder, and inasmuch as it is always competent for a Jury to acquit of murder and charge

with manslaughter, or acquit of both, every man who is indicted for murder is in the same position as if he were indicted twice; first for one offence, and then for the other.

[Counsel dwelt at some length on the legal distinctions between murder and manslaughter.]

This indictment contains four counts; that is, it has set forth, in four distinct forms, the charge, and the Government are at liberty to prove any one. First, the allegation is, that the prisoner, Professor Webster, killed Dr. Parkman by striking him with a knife. Secondly, that he killed him by striking him with a hammer. Thirdly, that he killed him by striking him with his fists and his feet, and striking him against the floor. Fourthly, that he killed him in some way, or by some means, instruments, and weapons, to the Grand Jury unknown.

In an indictment for murder, gentlemen, it is an imperative rule, that *the means of death shall be accurately described*. And when we say that a thing is to be accurately described, we mean that the Government shall prove it as they have described it. They shall state the means of death accurately; that is to say, their proof shall sustain their statement of the means of death.

Now I ask your attention to another position. I understand it to be a well-settled rule of law, that there are certain *means* by which human nature may be overcome, which have been settled and adjudicated by the law to be totally separate and distinct from each other.

One very large class of means of death is embraced under the head of striking with a weapon. Another class, gentlemen, very distinct—distinct upon authority—is striking a man against an object. And there are various other means of death, well distinguished from each other, such as poisoning, strangling, burning, starving, and others. I put this by way of illustration. They are separate and distinct means of death.

Whichever of these means the Government see fit to



adopt, and charge as the means used, the Government is bound to prove, and prove beyond reasonable doubt—the particular means. Now, under this class of *means*, as I call it, producing death by striking, it is usual for the Government to allege some particular weapon. But it is not necessary that the particular and express weapon should be proved. Any weapon which will produce death by the means stated, that is to say, by the striking, would answer in proof, instead of what the Government charge.

For instance, suppose the Government charge that the man produced death by means of striking with a knife, and it turns out that he struck with a hatchet; it is sufficient, because the means, the class, is spoken of; and if it turns out that it is produced by some other weapon, the case is made out. For instance, the Government charge Professor Webster with striking with a knife, and it turns out that he actually produced death by a hammer; the case is proved. But, if they charge that he did it in a separate manner, to wit, by strangling, or by seizing a man, and striking him against a door, and the death is produced, as before, by the blow of the hammer, the indictment would not be sustained. The weapon is of no consequence; but that such a means were used, is of consequence, and must be proved.

Now, then, gentlemen, putting our attention to those first two counts, the Government alleges that death was produced by striking. Therefore, the Government must prove that the killing was by striking with some weapon or other. In the third count, the Government, if they rely upon it, assert that the striking was with hands, or fists, or beating against the floor. And that is precisely what the Government must sustain upon this count.

I come now to the fourth count. We shall submit here, if it be regular, in this part of the case, that this count, may it please your Honours, is totally insufficient, and ought not to be considered by a Jury; and that the

Government had no right to introduce any proof, under this count. And in the second place, if the Government have a right to introduce proof under it, still, that they have not introduced it at all. This count states, as I have said, that the death was produced in some way or manner, and by some means, unknown.

Now, we shall submit that there is no precedent whatever for any such count; and if there is no precedent for it, the precedents are all against it. There is no authority for it which we have been able to find anywhere; and the authorities are directly against it.

[Counsel here quoted various authorities in support of his contention.]

We submit, then, so far as one of these counts is concerned, that it is imperfect and insufficient, for the reasons that I have stated to the Court. In regard to the three others—the first two allege a death by striking; the third, a death produced by striking with hands and feet, and beating against the floor.

Now, then, gentlemen, the question presented to you is this: Has the Government proved, beyond reasonable doubt, that Professor Webster destroyed George Parkman by striking him with a weapon? That is the first proposition. And if the killing is proved by the Government to be in any other mode, then they fail upon their own proof. And if the Jury, upon the evidence, are left in doubt, whether the killing was produced by the means stated, or by some other means, then they are bound to acquit; because it is the right of the defendant—it is his right and privilege, and it is every man's right and privilege—to have the Government held strictly and distinctly to prove what they allege, in all its material particulars. Here they allege, in these two counts, a striking by a weapon. If they fail in this, there is an end of the case.

I am perfectly aware, gentlemen, that there is an idea abroad, that this matter of reasonable doubt is something that the law accords to the prisoner as a gratuity; some-

thing that he is not entitled to; something by which guilty men sometimes escape punishment. But there never was a greater mistake in the world. This matter, that the Government are to prove a man guilty beyond all reasonable doubt, is no privilege to the individual, for which he does not have to give full compensation. It is not accorded to him as a gratuity.

What is our system? We take a man from his family. We arrest him upon the charge of a heavy, heinous offence. We lock him up in a gaol. And while his mind is paralysed by his position, he is told to procure a defence—to proceed and prepare for his defence. What next? Why, *ex-parte* proceedings go on. The matter is tried and adjudicated before a Coroner's Jury, where he is not present. It is afterwards tried before a Grand Jury, where he is not represented. An indictment is found; and then, with all this accumulation of public opinion necessarily formed upon these proceedings, he is brought into Court, and put upon his trial.

How, then, is he placed? I am now taking the general position of a party; I am not referring to particular instances. How, then, is he placed, and what is his position? Why, he is placed at the bar; his mouth is shut. If he opens it at all, what he says is to go for nothing. And then witnesses are let loose upon him by the Government. And who are they? In many instances, they are malicious, swearing on account of some old grudge. In many cases, they are interested: sometimes for rewards and property; interested sometimes, in swearing of crimes, for themselves; sometimes interested for still worse motives. Now, in this situation, thus placed, and thus presented before a Jury, what chance would many and many an innocent man have of an acquittal? It would be very small indeed, were it not for checks and counterbalances which we have provided in our system for him; and one of them is this same matter of reasonable doubt. The law says you may take a man in this way; you may lock him up; you may try him

over and over again ; you may put him upon trial ; you may close his mouth ; you may produce your witnesses against him : but here you shall stop. And if, with all this, you cannot prove him guilty beyond reasonable doubt, he is to be acquitted. This is all the protection that an innocent man has.

These remarks, gentlemen, bring me to the fourth head to which I said I should ask your attention ; which was, to the nature of the Government's evidence, and to the rules of law applicable to it. Evidence, gentlemen, so far as there is any occasion of dividing it, for the purpose of this opening, may be divided into direct and circumstantial proof. Direct evidence needs no explanation ; and, in point of fact, there is none of it in this case. But merely for the purpose of convenience, I will say, that direct evidence consists of this : where the testimony is derived from persons who have actual knowledge of the facts in dispute.

For instance, gentlemen, if a person comes here and swears he saw a certain transaction take place—there is direct evidence ; and all the Jury would have to inquire into would be whether they believed the man or not.

But circumstantial evidence is, where a fact is attempted to be proved, not by anybody who saw it, not by anyone who knows it, but by proving in advance certain other circumstances, and certain other facts, and then drawing a conclusion, from those facts and circumstances, that these particular facts which we are endeavouring to ascertain exist. This is called circumstantial evidence.

Now, gentlemen, as you see at once, in this matter of evidence, there is no comparison between the strength of direct and circumstantial evidence. Circumstantial evidence is weak, compared with direct ; and for the reason that the opportunities for human error are multiplied. All we can do, in the investigation of facts—all we ever can do—is to approximate towards certainty.

Take a case of circumstantial evidence. The proof sometimes consists, as in this case, of numerous facts—



of scores of facts. Every single fact is a distinct issue. Every single fact must be proved, beyond a reasonable doubt. Very well. Here the chances of error accumulate.

Take the most simple case we can possibly put. Suppose a man is seen killed upon the side-walk. Suppose a watchman comes, and swears that he saw a man running away. A second swears, that, the house being pointed out to him, he went in, and arrested a man who appeared to be out of breath. A third comes, to say that he afterwards found blood on some clothes belonging to the prisoner. Take the first witness. He may be mistaken about the man, and about the house, and he may lie;—three chances of error. The second may be mistaken about the man whom he arrested, or the house which he thought was pointed out, or he may lie;—three more chances of error. And the third may be able to detect blood or not, and he may be mistaken about his statement whether the clothes were those of the prisoner, or he may lie, too. Here are all these accumulated chances of error. And then, when they are all proved, correct conclusions are to be drawn from them. It may be that he did commit murder. It may be that he was an innocent man, who was running along that way; it may be that he ran away from terror, at seeing such a blow struck; it may be he was a friend of the deceased.

I put this as a simple case; and yet you see how great the chances of error are. But when you come to such a case as this, there is no telling to what a height those chances reach.

The first rule which the law has adopted, for the purpose of guarding, as far as possible, against error—as for guarding against it entirely, it cannot be done; there is no human tribunal where it can be guarded against; but to guard against error to some extent, certain rules of law have been adopted—the first rule I shall name is this. The first rule is, that every single circumstance from which the conclusion is to be drawn must be proved in itself beyond all reasonable doubt.

Therefore it follows necessarily, that if in a long train of circumstances, upon which the case is hung up by the Government, there is any one single circumstance which fails, there is an end to the whole case at once. They undertake to anchor their case by a chain of circumstances. If one link breaks, by its own intrinsic weakness, or by any force which the opposite party brings against it, there is an end to the case.

Secondly, gentlemen, the circumstances which are proved, when you find they are proved beyond reasonable doubt—those circumstances must establish, to a moral certainty, the particular hypothesis attempted to be proved by them. That is to say, if the Government undertake to prove a certain fact, by circumstances, and you are to consider it proved by an inference drawn from those circumstances, the circumstances must prove that the inference is correct. That is to say, not only the circumstances must be proved beyond reasonable doubt, but also you must be satisfied that the inference is proved beyond all reasonable doubt. And that is the second circumstance.

Thirdly, gentlemen, the circumstances—and I pray your attention to this rule—these circumstances which are proved beyond reasonable doubt, must not only support the particular hypothesis which the Government intend they shall support, but they must not support any other hypothesis. That is to say, they must not only sustain the inference which the Government draws from them, but they must exclude every other possible inference. Because, if a set of circumstances could establish two distinct hypotheses, and one is contrary to what the Government assert, and the other in accordance with it—that is to say, if one is in favour of the defendant's guilt, and the other of his innocence—there is an end of their case. The Jury are bound to take his innocence for granted.

Take the Government's evidence. I will merely state it generally. Why, it consists of one great chain of

circumstantial proof, with which they have endeavoured to surround the defendant, and by the weight of which they have endeavoured to crush him. This chain consists, of course, of two great divisions, two great parts. First, what is called the *corpus delicti*; that is, that George Parkman came to his death by violence from somebody. That is the first link. Secondly, that Professor Webster was the party who produced that, and that he produced it in the manner alleged. These are the two great divisions, and each of these divisions, of course, goes into various subdivisions, and the subdivisions into various links.

Let us see how the Government support their case. They say that Dr. George Parkman was murdered. How do they undertake to prove that? By various circumstances, all leading to one end; that Dr. Parkman being in the Medical College, where it is admitted he was, never came out.

Now you notice at once the various circumstances on which they rely—the handbills, search, and everything else. That is the first part of the division of their proof, that, being there, he never came out. Take the second. They have a link of precisely the same kind, or a duplicate of the other. They say that Professor Webster destroyed him by violence. Why? Because he was the last person with whom he was seen; and if he did not destroy him by violence, the Government do not know who did.

Now suppose that he left the College. If that one link be broken, their whole chain runs away.

Take another department of their case. They say they prove the identity of the body; and that constitutes one department of their proof. How do they prove it? Principally by the teeth found in the furnace, by marks upon the teeth! Suppose it should turn out that there is no very great peculiarity; there is an end of their identity. If it was built upon other circumstances, it might stand upon them. I have put these points solely by way of illustration.

The great points to be borne in mind are, first, that every circumstance relied upon must be proved beyond reasonable doubt; secondly, that the circumstances must establish to a moral certainty the guilt of Professor Webster. To do that, the third rule must come in—that these circumstances must not support any other hypotheses. If they do, there is an end of the case.

What must be the line of defence taken up by any man who is indicted and tried upon circumstantial evidence? It must consist in denying this; it must consist simply in this—to wit, that the circumstances relied on by the Government are not, and cannot be considered to be, when all the evidence is in, established beyond all reasonable doubt. And that is the point which we take—that these circumstances are not and cannot be established, when our evidence is in, beyond all reasonable doubt.

Secondly, that these circumstances do not sustain the hypothesis attempted to be founded upon them, to the exclusion of all others; but, upon the contrary, conclusions can be drawn from these circumstances better in favour of the innocence than in favour of the guilt of Dr. Webster.

I come, then, to state, very briefly, and very generally, merely the heads under which we intend to introduce some evidence.

We say we do not intend to produce any direct evidence for the purpose of explaining by what means those human remains came into that laboratory. Professor Webster remains on the position which he originally took. He knows nothing about it. Those are the remains of a human body. We can no more explain these than the Government can. We can explain it only by hypotheses, as the Government has explained it. The defendant stands as you would stand, if similar remains were found upon your premises, under the foundation of your house, in your work-shop, anywhere.

Again, in regard to the interview between Dr. Webster and Dr. Parkman, it is impossible for us to introduce



direct proof. For, as you see, the circumstances exclude all direct proof. The case, as put to you, is that the parties met alone, and that the interview was an interview by themselves. The evidence in regard to this, seeing that we have no direct proof, must be circumstantial. And such circumstances as we can introduce, in connection with such of the Government's circumstances as you give credit to, must constitute the bulk of the testimony in this case, upon which you must render your verdict.

The evidence which we shall introduce is simply this. Professor Webster stands charged here with having committed a cruel and an inhuman act. In regard to his being the person to commit an act of that kind, we shall introduce his character and reputation. The law, gentlemen, I am free to say to you, does not give the same weight to character, where direct evidence is brought to bear upon a party, which it does in all doubtful cases, or where the Government depends upon circumstantial evidence, which make up, of course, doubtful cases, and which must be doubtful cases.

Where a man stands charged, on circumstantial evidence, and in a doubtful case, with the commission of a great crime, the very greatest weight is to be given to character. And his character is always admissible, with this view. If a man should be proved, by direct evidence, to have committed murder, it would be of little importance to prove that he had previously been of good character. The only issues that could be made of his character, in such a case, would be to show that the witnesses who swore to the fact could not be true.

But when you come to a doubtful case—a case of circumstantial evidence—there then is weight to be placed on character; and a man has a right to be judged of, by his fellow-citizens, by a character which he has earned and established by a long life.

Professor Webster is charged with doing a violent, inhuman and cruel act. And I shall introduce evidence, with regard to his character, by which you will judge,

whether he would do this act. And I shall be very much mistaken, if we do not establish strongly upon that ground. Again, we shall undertake to show, so far as proof is accessible to us (for you will bear in mind that the arrest of Professor Webster took place after a week, in which many of his acts were committed), what his conduct was, and how he spent this time, during that period.

We shall also introduce proof, gentlemen, in regard to the question, whether Dr. Parkman was ever out of that College, after that fatal Friday noon. For we are mistaken if there is not proof to show that he did come out of it. That may not have bearing as to whether that is his body or not; but it will have an important bearing as to whether he was destroyed by Professor Webster, as is alleged by the Government. The facts are simply these, in regard to the evidence we introduce:—

In regard to the character, and to the various heads to which I have alluded, Professor Webster is a person who has all his life been devoted to the pursuit of chemistry. He is a person of nervous disposition; but a man exceedingly peaceable and harmless in his habits and his conduct. We make no question, in regard to his nervousness. He may sometimes show petulance. But so far from being a violent man, familiar with deeds of blood, nothing can be further from this. He is naturally a timid man.

He has, gentlemen, as I have stated to you, always been devoted to this pursuit; and he has devoted his days and his nights to it. Whatever advancement he may have made in this pursuit of chemistry—whatever accumulated wisdom he may have—we do not claim for him.

In reference to dealing with the world, he is not a shrewd man. On the contrary, he may be considered the reverse; that is his character, so far as we know it. But it is not a new thing for him to be locked up in his laboratory days and nights. It is no new thing for him to exclude the janitor, or anybody else, when he is conduct-

ing his experiments. It is a safe and necessary practice, in all laboratories.

All this is, and this alone, the head and front of his offending. The interview took place precisely as Dr. Webster has stated, and Dr. Parkman left the College; and Dr. Webster left the College at quite an early hour for him, on that Friday afternoon.

We shall show you how Professor Webster passed the rest of the week; that he was at home almost every day, at dinner; almost every night, at tea. These are all the peculiar circumstances under which we are prepared to produce evidence, excepting that we may introduce evidence directly contrary to what the Government have put in, upon certain points. This is the statement, and all the statement, that we intend to make to you, upon the opening of the case.

### [Evidence for the Defence]

Witnesses were called to testify to the character and reputation of Professor Webster, and to the fact that he was not known at any time to have been guilty of any act of violence. They were:

Senator J. T. Buckingham, Hon. J. G. Palfrey, John H. Blake, Francis Bowen, Dr. James Walker, Joseph Lovering, George P. Sangur, Rev. Dr. Convers Francis, Abel Willard, John Chamberlain,

Hon. Joel Giles, Edmund T. Hastings, John A. Fulton, James D. Green (an ex-Mayor of Cambridge), C. M. Hovey, Daniel Treadwell, N. I. Bowditch, J. D. Hedge, James Cavanagh, Major A. Edwards (City Marshal of Cambridge), P. W. Chandler, Dr. Morrill Wyman, Dr. Jared Sparks (President of Harvard University), Robert C. Apthorp.

[The Court adjourned.]

NINTH DAY. Thursday, March 28th

CHARLES O. EATON, who had prepared diagrams for Professor Webster's lectures, gave evidence that he had frequently found the doors of Professor Webster's rooms at the College locked, or bolted inside.

SAMUEL S. GREENE.—I reside in Cambridge. I told the Marshal that the toll-keeper said that Dr. Parkman had passed the toll-house. Sunday evening, I was at the toll-house, where I understood Mr. Littlefield to say that he had seen Dr. Webster pay Dr. Parkman \$470, and that another person was present. I afterwards understood him to say that he did not see the money paid. I remarked the discrepancy at the time. I understood him to say Dr. Parkman went out of the College. This conversation between Dr. Webster and Dr. Parkman, he said, was Friday.

*Cross-examination.*—Mr. Whitney was present, who, I think, differs a little from me in opinion. The amount I now fix at \$480, and no cents. I made a mistake when I said \$470. I stated all that I knew, in the first place. I understood Littlefield to say that he saw Dr. Webster pay it, and afterwards I understood him to say he didn't see him pay it. I didn't understand that Dr. Webster told Littlefield this.

JUDGE SAMUEL P. P. FAY.—I have resided in Cambridge forty years. Dr. Webster has been there as Professor many years. I have been his near neighbour for the last fifteen years. Have always heard him spoken of as a kind, humane man, and not violent, though somewhat irritable. He has been considered benevolent. The Friday evening that Dr. Parkman was missing, I saw Professor Webster. I called in casually at Professor Treadwell's; and there I found Dr. Webster and his wife, and Dr. Wyman and his wife. I was there about an hour; I came in about nine o'clock. I have no particular recollection of him. He appeared as usual. He entered into conversation with those there. There was nothing but conversation on general subjects—the topics of the day and discoveries in ventilation. I saw him four or five times during the week. I called there either Sunday or Monday, or it might have been Tuesday, of the ensuing week; I called there two evenings, and spoke about the disappearance of Dr. Parkman, as Dr. Webster was in town every day, and had perhaps heard the news, as I thought. I was there Monday, I think, or Tuesday, and was invited to play a game of whist. I sat down, and played three or four games; the Doctor and his daughter against Mrs. Webster and



myself. I was there two evenings out of Sunday, Monday, and Tuesday. I made the inquiries in regard to Dr. Parkman of Dr. Webster.

JOSEPH KIDDER, a druggist.—I remember the day of Dr. Parkman's disappearance. Professor Webster came into my store about five o'clock, about fifteen minutes after sunset; I think it was fifteen minutes before five. He was there only a few minutes.

MARIANNE WEBSTER.—I am a daughter of Dr. Webster. Father was home to tea Friday night, the 23rd, a little before six. He took tea at home, and remained at home till eight, and then went to a neighbour's house, with mother, and sisters, and myself. Father left us at the gate. Mother left with him. We were at a small party. I next saw him about half-past twelve; when I came home from the party, he opened the door for me. He retired to his room about one o'clock. It was half-past twelve when I returned home; and we all went upstairs at the same time. It was his custom to breakfast at home; but I did not breakfast myself that morning, so I did not see him again till a little after one o'clock. He dined at home. I did not see him again till dark. I was not at home myself that afternoon. I don't remember the *Transcript* being there. One of the neighbours takes it, which father sometimes reads. He was at home that evening, and read to us, and played whist part of the time. That was not the evening Judge Fay was there. I remember he

was at home to tea. Before tea, he came into the parlour with a book.

I went to bed at ten. Father was at home then. I can't call to mind seeing father, until I saw him at church. After chapel, he went to take a walk with my mother and sister. He was at dinner at half-past one. We dined earlier than usual, for he was going to town that afternoon. I heard at noon that he wished to go in the morning. He was going in to call on Dr. Francis Parkman, to tell him that he was the individual who had the interview with his brother, the Friday previous. I don't recollect when I next saw him. I cannot call to mind seeing him that evening. On Monday, he was home to dinner at two. He came home just at dinner-time. I next saw him at tea. We are always an hour at dinner. I cannot recollect he was at home that afternoon. He was at home that evening, and spent the evening at home. I fix it by Judge Fay's being there, and playing whist. I went to bed at a little past ten. Father was there then.

On Tuesday, father was at home to dinner. He was at home a short time after dinner. I don't remember whether I was at home that afternoon, or not. He was at home in the evening till between ten and eleven. I don't recollect whether he then went to bed, or not. I left him sitting up. There was a fire, that evening, in the direction of Porter's; and we played whist. That is how I fix the time. We played amongst ourselves. He generally breakfasts with the family. On Wednesday,

father was at home to dinner. I remember seeing him Wednesday about eleven. I was in the dining-room, reading, and he came in and spoke to me about it. He then went and worked in the garden till near dinner-time. He dined at home, and was there till twenty minutes after six. He then came, with sisters and myself, to Boston, to Mrs. Cunningham's, to a party. We came home at eleven, with him. We left him up when we went to bed. He was sitting in a dressing-room, reading a newspaper. He was at home all day, Thursday. Part of the morning he was in the garden, and at home in the evening till I went to bed, which was at ten. I left him up. On Friday, I first saw him at dinner. He was at home for about half an hour after dinner, and again at sunset. He was at home part of the evening. I have a married sister, abroad in Fayal. We have constant intercourse with each other. We keep a journal, from which we write to Fayal. I have refreshed my memory with it, concerning these facts. He is in the habit of sending plants to Fayal, in airtight boxes. I knew he intended to send some plants this winter to Fayal.

I don't know whether the plants were in preparation or not. He has had flowers from Fayal. I don't know whether he was making preparations, at this time, to have flowers got for him.

HARRIET T. WEBSTER.—I am a daughter of Prof. Webster. On Friday evening, November 23rd, I saw father, before tea, between half-past five and six. He was at

home till eight o'clock. He went, with sisters and myself, to the party. He then left us, and went with mother to Mr. Treadwell's. I saw him, on my return from the party, at half-past twelve; he opened the door. I saw him for about half an hour. He went up with us, when we retired. The next day, I didn't see him till one o'clock. He spent the afternoon at home till about dark, when he went out about half an hour, and went to a bookstore. He brought back a new book—an illustrated edition of Milton's *Allegro and Penseroso*. He spent the evening at home. Miss Hodges was there part of the evening. He read aloud to us part of the time, and also played whist. We were up till about ten. We left him up. I saw him at breakfast, Sunday. He went to church, and was at home at dinner-time; and after dinner, came into town, to tell Dr. Francis Parkman that he had had an interview with Dr. Parkman on Friday. I heard of his intention in the morning. I next recollect seeing him before I went to bed, but cannot state the hour;—it was after ten. I think I left him up that evening. I next saw him on Monday at dinner-time. I don't recollect seeing him in the afternoon. He spent the evening at home. Miss Wells and Judge Fay were there. We played whist that evening. I retired early; am not sure whether Judge Fay had gone, or not.

On Tuesday, I recollect first seeing him at dinner. I saw him again at tea. He was at home that evening. He read aloud to us part of the time, and played whist part of the time.

On Wednesday, I saw him at breakfast, and again at eleven. He spent part of the time, till dinner, in the garden. He spent the afternoon at home. He went out with sister, to come to Boston. I did not sit up for him. He was at home all day Thursday; the fore part of the day he was at home at work in the garden. He spent the evening at home; read to us part of the time. We were all at home that evening, and spent the time in music and reading.

I next saw him Friday, at breakfast. I think he dined at home; and I saw him again at five o'clock. He was at home at tea. Mr. Horsford sent out a number of articles, on New Year's Day, from the College. There was a cap, and a pair of overalls, two coats, and a pair of pantaloons. It was after father's arrest.

CATHARINE T. WEBSTER.—I am a daughter of Prof. Webster. On Friday afternoon, November 23rd, he came home between 5 and 6 p.m. He went, with mother and my sisters, to a friend's house, where we were invited to a party. He and mother left us at the gate, to go to Mr. Treadwell's. Saw him again at half-past twelve at night. It was about one when we retired. On Wednesday before Thanksgiving, he came home between eleven and twelve, and worked in the garden. He passed the evening with me at Mr. Cunningham's, in Boston. We left there about half-past ten, and came out in the eleven o'clock omnibus. We walked from Mr. Cunningham's to the toll-house, and then took the omnibus. While waiting

at the toll-house, I remember seeing a notice of a reward for Dr. Parkman. Sister pointed it out first; and father read it aloud to us, as it was rather high up.

The Sunday preceding Thanksgiving, I saw father, with his shoes in his hand, preparing to come to town; but mother dissuaded him from it. He was coming to town to tell Dr. Francis Parkman that he was the individual who had the conversation with his brother, the Friday previous. He waited, however, and went to church. After church, I went to walk with him. He came to Boston that afternoon. I saw him that evening, between nine and ten, in his study. At about dark, I heard his voice in the entry, but did not see him. He came into the parlour about ten o'clock, from his study. I heard from my mother, that he brought out a bundle Friday. [Objected to.]

DR. WINSLOW LEWIS, *recalled*.—I have been acquainted with Prof. Webster about thirty years. He is considered by others, in general, as a man of humanity and kindly feelings. I was his pupil when he was a physician in the alms-house. In regard to the time when he was Professor at Mason Street College, I could never get into his room without knocking at the door. He was Professor there at the same time I was Demonstrator.

I have noticed the cut in the thorax of the remains, carefully. The cut was anything but a clean cut. If it had been a clean one, it would not have shown that it was made before death. I could not tell whether a broken calcined

bone was broken before or after it was calcined.

We finished our examination on Sunday. I think Dr. Strong was there afterwards. We agreed upon the substance of our report on Saturday. There was a bloodless appearance about the pelvis, as though it had been soaked. I attributed this appearance to having lain in water.

*Cross-examination.*—I have not examined osteology as closely as Dr. Wyman, and rather prefer Dr. Wyman's opinion to my own, on that subject. There is less likelihood of a clean cut after death than before.

*Re-examination.*—It could easily be done in the thorax, after death, for the flesh there is tense.

GEORGE H. GAY, *recalled.*—I was one of the Committee to examine the remains at the Medical College. We finished on Sunday. I think I saw Dr. Strong there on Monday. My impression, at the time I looked at the cut, was, that it was done with a cane. Some of the remains were bloodless. I am speaking of the parts that were found in the lavatory. They seemed to have been soaked in some liquid.

OLIVER W. HOLMES, *recalled.*—There are two principal authorities on the subject of the quantity of blood in the human body; one of Haller, and the other of Valentine.

Haller says one-fifth of the body, or about twenty-seven or twenty-eight pounds, is the average quantity.

Valentine states it to be between one-fourth and one-fifth of the

weight of the body in an adult male, or thirty-four and a half pounds on the average—arrived at by a most exact mathematical estimate. Thirty-four pounds would be about seventeen quarts.

The fracture of the bone after calcination depends upon the degree of calcination. Bones may be calcined so as to easily crumble; but calcined partially, they will split, break outward, or inward, and direct across, and in almost any direction. In the experiments I have made, I find such to be the case.

*Cross-examination.*—I would not defer my opinion to that of Dr. Wyman. It is an opinion of a simple physical fact, within anyone's reach.

I have examined specimen shown me by Dr. Wyman; but could not say that it was fractured during life.

PROFESSOR E. N. HORSFORD.—I am instructor at the University, at Cambridge, in the Lawrence Scientific School. I commenced instructing in chemistry in 1841. I have had occasion to use nitrate of copper in my laboratory, and I have seen it used in other laboratories. It is a solution of copper in nitric acid, and is used in organic analyses.

I have tried nitric acid and also potash, in dissolving bones and flesh. I tried it on the hock-bone of beef, and on the muscle, too; using the commercial nitric acid. The muscle was placed in one vessel, and the bone in another. In about four hours and twenty minutes the bones had disap-



peared; and in five hours and twenty minutes the vessel was entirely clear, leaving no trace of it. The flesh disappeared in three or four hours. I have dissolved human muscle in a very short time; but have made no experiments with human bones. I took the laboratory after Prof. Webster's arrest. There are two instruments, called Sanctorious thermometers. Coloured liquid is required, which is made of solutions of copper.

As to blood, I have occasion to use it not infrequently. I sent out some clothing, and an old blanket, to Prof. Webster's house, after his arrest. They consisted of a pair of overalls, a blue coat, and a little light cap. I examined them only cursorily before I sent them out. I knew Prof. Webster was under arrest. I saw them again, and looked at them carefully; but I saw no blood on them. I did not see any change in them.

*Cross-examination.*—I found them in the small back room. I think the policeman had had them for a pillow. They were lying on the floor.

When I took the laboratory there were four or five bottles of nitric acid, of perhaps a gallon, or a gallon and a half. The weight depends upon the concentration—perhaps fourteen pounds. I think it would take rather more than the weight of the whole flesh and bone to dissolve a human body. Nitric acid would act on a metallic vessel somewhat. The best vessel would be one lined with porcelain. In the experiments I made, no smell came out. It would not, without a cover being off, and the

temperature were raised to a great heat.

Nothing would come from the body itself, but from the acid. There is no vessel there that would contain one hundred and fifty pounds of nitric acid. Nitrate of copper may be spilled about the laboratory, and I did not think much of it. It might affect clothes, in process of time. It is slowly corrosive, when applied to the skin. In my last lecture, I used blood, to show the effect of heat upon it. In my experiments with the nitric acid, I used something more than four pounds of acid to the four pounds of bone.

*Re-examination.*—To destroy flesh by nitric acid would depend upon the amount of flesh put in. The identity of the flesh would be lost in a very short time. I have known Dr. Webster several years. His general reputation is that of kindness and mildness.

*Cross-examination.*—Should not think nitric acid would act on mineral teeth. I have never tried it, though.

DR. WM. T. G. MORTON, a dentist, gave evidence that there was no mark nor abnormal peculiarities by which the teeth found in the furnace could be identified as those of Dr. Parkman.

DANIEL TREADWELL, *recalled*.—I live near Dr. Webster. I remember the Friday of Dr. Parkman's disappearance. Dr. Webster and his wife came to my house, about half-past eight. The conversation was on a great variety of topics. It was nearly ten when they left.

Since his arrest, I have thought of the conversation, but could think of nothing unusual. He seemed perfectly self-possessed. I saw him again, the next week, twice. There was nothing unusual about his appearance and conversation. He spoke in his usual animated manner.

*Cross-examination.*—I saw him Friday evening, and Tuesday evening, and another evening. Tuesday evening, our conversation was near the grave-yard, and after six.

DR. JAMES W. STONE, *recalled.*—I am one of the committee who made the post-mortem examination of the body. The hole in the thorax had no appearance of being a clean cut. There is not the slightest difficulty in making a clean cut after death. Particularly where this hole existed, there could be no difficulty in making a clean cut, as the muscles between the ribs remain tense after death.

PHILENA B. HATCH.—I live at No. 15, Vine Street. I used to know Dr. George Parkman by sight. The last time I saw him was on Friday, November 23rd, in Cambridge Street. I was going home, and he was going towards Court Street. When I got home, it was about twelve or thirteen minutes of two. I looked at my clock, to see how long I had been out. I fix the date by my husband going to Vermont on the 22nd. That day my sister came from Maine; and the next day I went up to South End, to tell my sister's daughter of it, and I was returning when I met Dr. Parkman. I mentioned it after I heard he was missing.

*Cross-examination.*—I mentioned to my sister, after I got into the house, that I had met "Chin," so as to draw a smile, as she was low-spirited, and also because he was the only person I met that I knew. She asked who I meant, and I told her Dr. Parkman. I said "Chin," because he had such a long chin, and I wanted to make her smile.

WILLIAM V. THOMPSON.—I reside in East Cambridge. I am clerk in the office of the Registry of Deeds. I went to Prof. Webster's house, Sunday evening, with Mr. Fuller to see the date of the mortgage he had paid the preceding Friday. I went into Dr. Webster's study. I asked him if he recollected the time the mortgage was given. He said, if we would wait a moment or two, he would get it. He looked into his trunk on the floor, and remarked that it was strange he could not find the paper. He then said he could give me the information another way. He then read from a book I supposed a journal, and gave the date of a mortgage; and corrected himself instantly, and said that was not the date I wanted. I then told him that I wanted the date of the mortgage he paid the money on on Friday. He gave the date, and it proved to be on personal property. I then said I would call at the City Clerk's. There were two mortgages, and I made a minute of them, and went to Mr. Blake's. That was all about the mortgage.

Dr. Webster said that he had called over to see Dr. Francis Parkman, and that he had told him that he had an interview with his brother on the Friday of his dis-

appearance. He also said, he called at the toll-house, and asked the toll-keeper if he had seen Dr. Parkman. He said, also, that he called at Mr. Page's, to see if Dr. Parkman had cancelled the mortgage, and ascertained that it had not been cancelled. I said that we would call at Mr. Page's office and see, as Mr. Page might have overlooked it. I left the house. I saw nothing of any trembling.

On November 23rd, I saw Dr. Parkman in Causeway Street; about ten minutes or a quarter-past two o'clock, I was going towards Charlestown Bridge, and he was coming towards Leverett Street, and we met a little below the centre of the street. He was on the opposite side to me, and I was on the left-hand side, going down. I paid for this coat on that day; by this way I fix the time.

I noticed Dr. Parkman's appearance. He was dressed in a dark frock coat, dark pants, and a dark hat. When I saw him, he had his hands behind him, and seemed to be excited and angry about something. I did not turn round to look after him. The first time I called to mind that I had seen him was on Sunday, about five o'clock; and I told it to Mr. Blake, the ex-City Marshal.

*Cross-examination.*—I do not think I am near-sighted, nor that I am called near-sighted. My eyes are weak, and I sometimes wear glasses slightly coloured. I carry a magnifying-glass for the purpose of looking at fine writing. I have never said that I wrote at times so fine that I could not read it at other times.

I swear positively that I never stated that I wrote so fine, in a *mesmeric state*, that I could not read it. I never say *mesmeric state*. I have said to Mr. Andrews that, in the *biological state*, I have written so fine that others could not read it; but never, that I could not read it. I sometimes lecture on Biology. I will not pretend to say that my faculties are different in such a state. I prefer not to answer in regard to it. I do not know that I see any better in a biological state. Mr. Andrews said he had seen some very fine writing done in a biological state, and then I made the remark to him.

Dr. Parkman did not speak to me, and I do not know that he noticed me. I told Mr. Blake on Sunday morning. At Dr. Webster's house, there was some further conversation, which I have not mentioned. I asked Dr. Webster how Dr. Parkman appeared when he paid him the money. He said that he appeared angry and excited. He also informed me that "Dr. Parkman had called on Mr. Pettee, who sold his tickets for the lectures, and inquired if he had any money in his hands belonging to Dr. Webster. Mr. Pettee informed him (Dr. Parkman) that he did have some. He (Dr. Parkman) then wished him to pay over the money in his hands to him, and he would give him his receipt. Mr. Pettee refused. Dr. Parkman was very angry, and used an expression that Dr. Webster was a d——d whelp." When we were coming out, Dr. Webster said, "Gentlemen, I trust you will be successful in your search;" and offered us any assistance in his power. I have always remem-

bered it, and stated it so to Mr. Blake.

*[A written statement, made by the witness to Mr. Andrews, was here shown to the witness, which he acknowledged he had signed.]*

Mr. Andrews asked me for a general outline, as his hands were too cold to write it down; and so I made a general statement. I was about to state further, that Dr. Webster spoke about its creating a great sensation in Dr. Parkman's family, and the community. I think that is all. No, it is not all yet. I think he did say that Dr. Parkman had used insulting expressions every time he met him, and that he had told Dr. Parkman that he would pay him when he got his money for the tickets to his lectures; and that Dr. Parkman would not believe his word. He either said that two persons were in the room at the time of his paying Dr. Parkman, or a few minutes after. I said it was my impression, and that I was not certain; but Mr. Andrews told me I might as well put it in. I did, and he then asked me to sign it, which I did.

SAMUEL A. WENTWORTH, a provision dealer, said that on Friday, November 23rd, he saw Dr. Parkman in Court Street between half-past two and half-past three. He fixed the time because his assistant had gone to dinner at two o'clock and returned. The witness then went down town and saw Dr. Parkman opposite Mrs. Kidder's store.

*Cross-examination.*—It was the day he was going to market. There was a Mr. Russell with him,

who remembered the meeting with Dr. Parkman but was not sure of the exact day.

SAMUEL B. CLELAND.—I have been acquainted with Dr. George Parkman for about eleven years. I last saw him on Friday, November 23rd, on Washington Street, between Milk and Franklin Streets, between quarter-past three and half past three o'clock—perhaps twenty minutes past three. I fix the hour from the fact that I went to see the Rev. George Wildes, who boards at 18, Franklin Street. Dr. Parkman was on the east side of the street, and was going toward Roxbury. I always called on Mr. Wildes at three o'clock, whenever I wished to get his services, for he was usually at home at that hour. At this time, I was coming from there.

I saw Dr. George Parkman. He appeared to be walking up Washington Street with a labouring man. The peculiarity struck me, and I noticed him; but, as I approached him, I found he was walking alone. I almost touched him, I came so close. I did not speak to him. I have not spoken to him for several years past. I heard, the following Monday morning, of his disappearance.

*Cross-examination.*—I am not aware of having mentioned to the relatives of Dr. Parkman that I had met him at this time. I spoke of it to my partner, on Monday morning. I also mentioned it to a Mr. Knapp, a police-officer, and asked him if it was necessary to communicate it to Marshal Tukey. He said it was



not. I have seen the rewards offered. As it was stated in the reward that he was seen going to South End, I did not think it necessary to mention it to his family. I should have been happy to have done so. I think I cannot fix the exact store where I saw him. I was on the inside. He passed on my left.

LUCIUS R. PAGE, City Clerk at Cambridge, said that on Sunday at about a quarter to five he found Dr. Webster at his house. He said that he had called to see if Dr. Parkman had been to discharge a mortgage. The witness said that Dr. Parkman had not been there.

ABBY B. RHODES said that she had known Dr. Parkman for twenty-five years. On Friday, November 23rd, she and her daughter had been shopping and at about a quarter to five they passed Dr. Parkman in Green Street and exchanged bows. He was walking very fast. She had purchased that day some *muslin-de-laine* at Hovey's store. There was a man with Dr. Parkman. On the following Tuesday she called on

The Rev. Francis Parkman and told him.

*Cross-examination.*—She had not expressed any doubts or misgivings. She could not say who the gentleman was who was walking with Dr. Parkman.

MARY RHODES, a daughter of the preceding witness, gave similar evidence.

SARAH GREENOUGH said that on Friday before Thanksgiving she had an engagement to tea. She saw Dr. Parkman in Cambridge Street at ten minutes to three. She had just looked at her watch to see if she had time to get to the city to see her son, who usually went out at three o'clock.

*Cross-examination.*—He was going towards the bridge. I should not have thought of the circumstance again, if I had not heard of Dr. Parkman's disappearance soon after. I saw him across the street. I first saw him when he was nearly abreast of me.

*By the Court.*—I can't say positively that it was him that I saw, but that is my belief.

[The Court adjourned.]

**TENTH DAY. Friday, March 29th**

[FURTHER EVIDENCE FOR THE PROSECUTION]

Mr. Clifford, the Attorney-General, here said that perhaps he did not state it so distinctly in his opening as he should have done, but he wished the Counsel for the Defence to understand that the Government held that on the large mortgage there were sums still due to other individuals besides Dr. Parkman, which would not become due till 1851. These sums amounted to over \$500.

The following rebutting testimony was then introduced by the Government.

JOSEPH SANDERSON, one of the police of Cambridge, was called to show where Dr. Webster was one night during the week of the disappearance of Dr. Parkman.

I saw him between Sunday and Thanksgiving day, after the disappearance of Dr. Parkman. I saw him come out of the theatre coach, in Harvard Square, close to the Colleges, where the omnibuses stop, between eleven and twelve o'clock at night. None of his family got out with him. I was standing near the omnibus, and I followed him towards his house. I don't recollect seeing him after he got past Graduate Hall. I followed him, perhaps fifteen rods, on the side-walk round the square.

Mr. John Bryant met me immediately after. He is a watchman,

and I made an observation to him that that was Dr. Webster.

*Cross-examination.*—I mentioned this to Mr. Bryant on Saturday. I was on that part of my round which I do not take till after eleven o'clock. I fix the hour in my mind from that circumstance. The theatre omnibuses run every night; it is a common thing. They run to accommodate persons who have been in Boston to the theatre.

DR. DANIEL HARWOOD.—I am a dentist. I am a member of the Massachusetts Medical Society. I was one of the first to manufacture mineral teeth extensively, though perhaps not the first. There are characteristics generally about teeth, by which a dentist would be as likely to know his own works, as a sculptor would be to recognise his own statues, or a merchant his own writing. I mean to say this is generally so.

DR. JOSHUA TUCKER and DR. W. W. CODMAN, also dentists, gave similar evidence.

BENJAMIN H. TODD.—I am employed in the Custom House. On Sunday afternoon after the disappearance of Dr. Parkman, I was with Mr. Littlefield at the toll-house, on the Cambridge side

of Craigie's Bridge. It was about dusk when we got over. We went over out of curiosity, as we heard that the police were there, searching for Dr. Parkman. Mr. Littlefield asked if the police had been over; and the toll-man said that they had, and had gone back into Boston. There was some conversation about Dr. Webster paying Dr. Parkman some money, and Mr. Littlefield said he saw Dr. Parkman coming toward the College on Friday afternoon. That is all I recollect he said.

*Cross-examination.*—I don't recollect hearing Mr. Littlefield say that Dr. Webster paid Dr. Parkman some money. He did not say that he saw Dr. Parkman go away from the College that Friday afternoon. I recollect every word he said. I have kept it in my mind ever since.

ISAAC H. RUSSELL.—I know Mr. Samuel A. Wentworth. I do not recollect walking with Mr. Wentworth any particular day. I don't recollect being in his company on Friday, the day of Dr. Parkman's disappearance. I was with him once, when he pointed out Dr. Parkman. It was before Dr. Parkman's disappearance. It must have been one day, or might have been three months; I can't say. I don't recollect when I saw Dr. Parkman. If it had been near his disappearance, I should have remembered.

[*Mr. Clifford here stated that there were some four or five witnesses*

*whom he wished to introduce, to show that there was a person in Boston, at the time of Dr. Parkman's disappearance, who bore a strong resemblance to Dr. Parkman.*

Mr. Merrick objected to such testimony.]

CHIEF JUSTICE SHAW.—If the person was here, there would, perhaps, be no objection to his introduction, and the Jury might then draw opinions for themselves; but the testimony in the present case is held to be inadmissible, as of a too remote and unsatisfactory nature.

GEORGE W. FIFIELD.—I keep the toll-house on Craigie's Bridge. I remember about the time the clock was put up on the Court House at East Cambridge. It was put up last fall. It has not kept very good time. It frequently stops, and does not agree with other clocks. It is a very inaccurate timepiece, according to my experience.

SAMUEL B. FULLER.—I am toll-keeper on Cambridge Bridge, and have occasion to notice the clock on East Cambridge Court House. It has stopped very frequently; and sometimes I have noticed that it would be five or twenty minutes out of the way; and sometimes it would stop entirely, in a storm.

[Mr. Clifford then informed the Court that the Government would rest their case.]

## [CLOSING SPEECH FOR THE DEFENCE]

THE HON. PLINY MERRICK.—*May it please the Court and Gentlemen of the Jury :*

I need not say to you, gentlemen, with what feeling of embarrassment I rise to address you, at the close of this protracted investigation. A case, gentlemen, is presented to you, transcending in public interest any that has heretofore occupied the attention of our judicial tribunals. A few months since, a well-known and highly respectable individual suddenly disappeared from this city. His disappearance was followed by inquiries broad, extensive, almost universal.

His friends, naturally, inevitably, took the deepest interest in his discovery, and in his recovery. They enlisted the entire official force of the community in their service. Much more than that! They enlisted the entire sympathies of the whole community. When all inquiry, and all investigation, and all effort, seemed to be utterly baffled, and there was no hope left, and there was, in reference to this individual, one universal darkness, a sudden and astounding notice fell upon us all. The mangled remains of his dead body, it was believed, were found. The perpetrator of the awful crime, which brought that body to the condition in which it was found, was said also to have been detected; and that individual was one whom, in the ordinary course of things, would have been no more suspected of such atrocious criminality than you, or any one of you or of us who are engaged in this present trial.

Gentlemen, it is impossible that you yourselves did not know much of this case, before you took the seats you now occupy. It is impossible that you have not, in one form or in another form, heard much of that which has been detailed to you in the evidence which the Government have produced upon the present trial. And yet, one and all of you, under as solemn responsibilities



as can be imposed upon you, have declared that all those circumstances, and all the comments which may have been made upon them, created not only no prejudice in your minds, but not even a bias, against the prisoner. And if, gentlemen, these circumstances, though known as well before as since this trial, could not then produce even so much as a bias on your minds, I have some ground upon which I may estimate the effect which this same evidence, now presented in a judicial form, is entitled to produce on the same minds.

The Government charge that, on November 23rd, 1849, George Parkman was murdered by the prisoner at the bar. In various forms, such as the officer of the Government chose to make, upon the investigation which took place before the Grand Jury, the charge is presented, in the indictment upon which the prisoner is now tried.

To establish this charge against the defendant, there are certain facts which it is indispensable that the Government must prove. They must prove the death of George Parkman. They must prove that his death was by the agency of another person. They must prove that the prisoner at the bar was that agent; and that, in causing the death of George Parkman, he acted with malice aforethought. If any one of these facts is not proved, the Government cannot claim nor ask for a conviction. Unless they show that the death occurred, and by the agency of the defendant, and that it was also with malice aforethought, they can have no verdict for murder, but may have a verdict for a less offence—for manslaughter.

The precise proposition which the Government undertakes to establish, by the indirect testimony which the Counsel has introduced here, is, that on November 23rd, 1849, Dr. George Parkman, between the hours of one and two o'clock, entered into the Medical College, and had an interview there with the prisoner at the bar; and that he never left that building—that he and the prisoner never separated; but that, shortly afterwards,

the body of Dr. Parkman was found dead in the same building. Mark, gentlemen, that the Government do not undertake to establish, nor is there any evidence in the case from which it is by possibility to be inferred, that these parties ever met again. If they separated there, there is no proof that they have seen each other since. None, gentlemen! Unless George Parkman was the victim of violence, then there is nothing to connect his death with the hand of the prisoner at the bar. This is the proposition of the Government.

What does the defendant say? He concedes that which he has always stated, that at half after one o'clock, on November 23rd, 1849, there was an interview at that College, for a specific purpose, between him and Dr. Parkman; that that specific purpose was then accomplished; and that Dr. Parkman then, in life and in activity, left that building, or at least the room in which the interview between the parties then took place. That is all the prisoner at the bar concedes. Beyond that, he denies everything. And if the Government will have it that George Parkman was in that building, or in that room, at a later hour than that, they must prove it. The prisoner concedes no time to them at all. It was half after one o'clock, as he says, that this interview took place, and it terminated then.

Now, gentlemen, we stand upon these two propositions, which make the issue between the Government and the prisoner.

I do not mean to say to you, gentlemen, by any means, that this mass of circumstantial evidence that the Government have brought in here has not a very strong tendency to show the truth of the fact charged upon the prisoner, without explanation, and without further examination, and without the closest analysis. That would be saying more than any one could assert. If it did not have such a tendency, the Grand Inquest would have found no indictment, and we should have had no trial. And it is for you to say that this tendency is such as to produce

*irresistible* conviction upon your minds. If it does not, the prisoner is entitled to an acquittal.

On the other side, we have undertaken to satisfy you, by proofs, that Dr. George Parkman did leave this building, and was abroad in various parts of this city at a late hour that same day. Suppose that the evidence in the case shall convince you that Dr. Parkman separated himself from Dr. Webster, and went his way, where he would. In the absence of all evidence that these parties ever met again on earth, there is no proof that Dr. Parkman came to his death by the hand of Dr. Webster. Say that the remains found on Friday, November 30th, are the remnants of the body of George Parkman. Say that there are proofs, conclusive proofs, for the purpose of this argument, that he was slain by violence. Say, gentlemen, further, if you please, that we cannot tell, except by this connection with Dr. Webster, how all these things were brought about. What is the conclusion? Why, gentlemen, simply this: that if these parties separated once, and there is no proof that they ever met again, there is behind it all one great, inexplicable mystery;—that, with all our efforts—earnest, zealous, persevering—these facts of human life have baffled human reason and human investigation; and that is all.

We have called, gentlemen, several witnesses of respectability—inhabitants of this community—to testify to you upon this subject. See the condition in which Dr. Webster has been placed in reference to the discovery of these witnesses!—Alone in his cell, with no great, opulent family around him, of large connections, to aid and assist him—with a wife, and the three daughters whom you have seen upon this stand, occupying his mansion in a neighbouring city—these witnesses have sprung up, as it were, by their casual recollections; and we have been enabled to discover these proofs, and bring them to your attention.

The learned counsel analysed the statements of the

various witnesses who declared that they saw Dr. Parkman on the afternoon of November 23rd.

We know that responsible, unimpeachable men and women, with organs of vision capable of determining this question, did see this man abroad. Who can say that that is not true? The suggestion may be, that they are mistaken. They may be mistaken, but are you certain that they are mistaken; so certain, gentlemen, that these men and women are mistaken, that you dare touch the heart's blood of this man who is upon trial?

Gentlemen, I shall proceed to the examination of the testimony which the Government have brought to your consideration. And I mean, gentlemen, to treat that testimony with all fairness.

Let us look, gentlemen, to the facts, in the order in which the Government are bound to prove them, and see how far their evidence, direct or circumstantial, tends to prove their case. The Government must prove the guilt of the defendant. If they do not establish, beyond reasonable doubt, the several facts which they are bound to prove, they cannot claim nor ask for a verdict of conviction.

They are, first, to establish the death of Dr. Parkman; secondly, to establish that his death was occasioned by the agency of the defendant. First—have they proved to your satisfaction that Dr. Parkman is dead? They have much evidence, certainly, tending to establish this fact. And I wish to state that evidence to you, with the single remark, that it is for you to pass upon, before you can proceed into the investigation of the other more material parts of the case.

Dr. Parkman entered the Medical College on Friday, November 23rd; *and since that day he has not been seen.* To show that he is dead subsequent to that day, certain remains of a human body are found, and evidence has been given to you, in reference to those remains, tending to show the identity of that which has been found with that which was lost—tending to identify the dead with the living.



In the first place, gentlemen, there were remains found in the vault, other parts in the tea-chest, and still other parts of a human body in the cinders of the furnace. Intelligent and most respectable gentlemen have been called here to testify with regard to each and all the parts of this body. Dr. Wyman, who has exhibited much skill, much science, much knowledge in his profession, has stated to you that the bones—the fragments of bones—which he finds, correspond with, or belong to, parts of a body which were not found in the tea-chest or vault. And he states that these fragments of bones constitute part of the head, neck, arms, hands, feet, and one leg below the knee; and that there was among these fragments nothing duplicated; no fragment which must necessarily have existed in two human bodies; no fragment which could have existed in any part of that found in the tea-chest and vault.

Now, upon this testimony, you are to consider; and I have no doubt of the result to which you will arrive. If all these fragments did constitute the parts of one human body, in different states and in different conditions, the inquiry then is, were those remains the body of Dr. Parkman, or not? And upon this point, certainly, you have strong proofs—perhaps entirely decisive; but of that you must judge.

You have the testimony of these same medical gentlemen, who say that the structure of Dr. Parkman was somewhat peculiar; that these remains corresponded in all particulars with the body of Dr. Parkman—in the form, the structure, the size, the height, the colour of the hair, the growth upon the back; certainly very strong circumstances, tending to establish a probability that this was the body of Dr. Parkman. And this is done, perhaps, effectually, perhaps conclusively, by the testimony of Dr. Keep, the medical gentleman who had occasion to make the teeth of Dr. Parkman three years before. He declares that he cannot entertain a particle of doubt that they are the same; and these, connected

with circumstances which tend to show that they were fused while in the mouth of Dr. Parkman. These circumstances are strong.

We have called your attention to the testimony of Dr. Morton, an eminent, and intelligent, and skilful dentist of this city, who has given to you clearly his views on the subject. Not that we call him to contradict Dr. Keep, but that you may understand this testimony which has been presented.

This has enabled the Government to bring in Drs. Harwood, Tucker, and Codman, who have confirmed the general statement of Dr. Keep; and I have only to say that this is a question upon which you are to pass.

If you are satisfied that this is the body of Dr. Parkman, that settles that point. If you are not satisfied, their case is gone.

What was the cause of the death?—and that is a thing which requires your particular attention. Have the Government satisfied you, beyond reasonable doubt, that Dr. Parkman died by violence?

I suppose the Government will rely upon two circumstances, which are quite insufficient in justifying a Jury to come to such a conclusion. I refer to the supposed fracture of the skull, and to the perforation of the side. As to that portion of the bone presented by Dr. J. Wyman as having some tendency to show that there was a fracture, I have scarcely occasion to say more than to remind you that Dr. Wyman said, that though there was an appearance that that fracture occurred before the bone was subjected to heat, yet there was nothing which would enable him to determine whether it was before or after death. But with regard to the other question, even whether it was before or after calcination, Dr. Wyman was by no means certain that it was before it. If it had not gone so far in the calcination, then he might not have found the ragged suture, as it might have been caused by calcination.

Dr. Holmes, a young gentleman—[A voice, “Not

young.”] Dr. Holmes, a middle-aged, but very respectable and intelligent physician, who is old enough to have been one of the physicians in the Massachusetts General Hospital, and a Professor in the Medical College, tells you that, in his opinion, this fracture was not caused before calcination; and, when asked whether he would not defer to Dr. Wyman, he says, “Not in this particular, though I would cheerfully in others.” In reference to this particular examination, he says that he has examined, and his own observation is as good as anybody’s else. It is uncertain whether that fracture was before or after calcination—whether it was before or after death—and so it furnishes no guide to the Jury, in determining whether death was caused by this fracture or not.

Next, as to the perforation in the side. It appears, from the testimony of Mr. Eaton and Mr. Fuller, that this perforation was discovered almost immediately after the thorax was taken from the tea-chest. They noticed it. If they are right, it was so. I shall not stop to question their accuracy. It was there before. But, how? Was it a cut? Dr. Woodbridge Strong testifies that it was a clean cut, made with a knife; and, in his judgment, it must have been made with a knife. On the other hand, you have the opinion of three intelligent and scientific gentlemen, called upon to make the examination of the body—Drs. Lewis, Stone, and Gay; and who made the examination with care and precision, writing down their testimony at the time, preparing to testify before the Coroner’s Jury—an examination made at the moment when all inquiry was of the utmost importance—when every circumstance was sought for as a momentous matter, in ascertaining the truth in relation to this great and overwhelming calamity which had come upon the community. They tell you, one and all, that there was no knife-cut there; that it was a ragged opening; that there were no indications upon the side, external or internal, that it was a clean cut, made before

or after death. Now here is a disagreement between these medical gentlemen. What are you to do? Do you know how the fact is? If you do, you can act upon your own judgment. If you do not know, but are trying this case upon the evidence, then you have the testimony of three witnesses, that, whenever or however that hole was made, it was not made by a sharp instrument. If that is a fact, then the Government are destitute of evidence to show that Dr. Parkman, if this was his body, came to his death by a blow upon his head or a stab upon his side.

How did he come to his death? Remember, it is not for the prisoner at the bar to explain how these were dead remains, but the Government are to show you that a living man was killed. How was he killed? Was he killed at all? Do you find upon the person wounds, blows, and evidences of destruction, sufficient to take human life? To take a man's head off, kills him. To take his breast-bone out, and separate all the internal parts of the body, kills him; to cut off his arms and his thighs, kills him; to put his head in the fire and burn it to cinders, kills him. Was Dr. Parkman killed in any of these ways? Do you think he was burnt to death? Was his limb placed in the fire—that limb of which you found fragments—was that put in the fire till the fire scorched him to death? Was his head placed so as to be burnt alive? Nobody believes it. Do you believe that he was killed by having these two legs cut off? that he was laid upon the floor, or upon an anatomist's table, and held there until his legs were chopped off? Nobody believes that. Or, was he held there until his arms were chopped off, and all his limbs severed? Nobody believes that. That is to say, that, though you find this body mutilated—distressingly mutilated—yet nobody believes that this mutilation was the cause of death.

What, then, was the cause of death? After all the investigation which has been made, this matter is as



dark as it was before light went into the cavern underneath the Medical College.

Then, gentlemen of the Jury, are the Government to ask you to say that this was a death by violence, when they cannot say how it took place. Can they ask you to draw the inference from the fact, that he was alive on November 23rd, and that, on the 30th, his mangled remains were found, that it is an inevitable consequence that he must have been slain?

I do not undertake to say to you that Dr. Webster can, or that his Counsel can—supposing these remains to have been those of Dr. Parkman—explain how he came to his death. We do not pretend to do any such thing. But, gentlemen, we do pretend to say that the Government must prove this fact—*an essential fact in the case*. And when we say that these marks might have been inflicted long after death, and that there is no evidence that they were inflicted before death—when death comes in a thousand forms: when he might have fallen by the way-side; when some robber may have seized the body, and, having plundered it, then, in the midst of an excited community, searching everywhere, fearful of discovery, have thought to have taken these remains, and placed them there—can you say that such was not the case? or can you say that these circumstances impel you irresistibly to the conclusion, that George Parkman came to his death by the agency of another person?

But, gentlemen of the Jury, suppose that you pass these questions by; that you come to the conclusion that this was the body of George Parkman, and that his death was caused by the violent agency of another person; what was the crime which was committed in taking his life? I shall here, necessarily, gentlemen, be obliged to anticipate; but I ask you carefully to discriminate.

I am going to attempt to show you, upon the circumstances which have been developed upon this trial—

taking all the Government's case, and making the worst of it for the prisoner, in their behalf—that the crime which was committed, if it was committed by Dr. Webster, was not murder, but manslaughter, because the circumstances warrant the conclusion that it was the lesser crime. Do not misunderstand me. As the Counsel of Dr. Webster—called in here to protect him in this hour of peril, when his life is at stake—his Counsel do not feel at liberty to stand exclusively upon the ground upon which he stands. He denies that he took the life of Dr. Parkman. But, gentlemen, his Counsel cannot know what effect the evidence which the Government have presented upon that question may produce upon your minds. And, therefore, if it should come to that, that you should arrive at such a conclusion as that Dr. Webster did the deed, then, gentlemen of the Jury, we must ask you to say, What was it that the prisoner did? what law did he violate? what crime did he commit? I contend that it was manslaughter, if it was committed at all.

Gentlemen of the Jury, the law upon the subject of murder and manslaughter was stated to you, in the clearest and most distinct manner, by the Counsel with whom I have the pleasure to be associated. The distinction is simply this: Homicide with or without malice. And we contend that the evidence in the case will warrant the Jury in coming to the conclusion, that, if there was a homicide here, that if Dr. Parkman came to his death by the hands of Dr. Webster, it was under circumstances of such extenuation as reduces the offence from murder to manslaughter.

I suppose, gentlemen of the Jury, that the Government mean to put to the Jury that there is evidence, in this case, of express malice. And, therefore, before I go to the circumstances of the case, I would call your attention to the other circumstances, which go to establish the fact that there was malice prepense; that is, that this crime was premeditated—that he designed to kill Dr.

Parkman, before he went into the College. That is the broad statement of the Government: that Dr. Webster planned this homicide; that he devised the means; that he seduced him to the College by false pretences. The ground upon which this conclusion is based is this: Dr. Webster states, that on Friday, the 23rd, Dr. Parkman met him by appointment. The appointment was to accomplish a particular piece of business. Prof. Webster says that, following this appointment, the interview took place, and the business transaction occurred, and that they separated. The Government deny this. They say that this business transaction did not take place; that Dr. Webster did not pay Dr. Parkman this money. And they ask you, gentlemen, to believe and to conclude that he did not pay it, because he had not the means of paying it. And then they ask you to conclude, that, as he had not the means, and did not pay it, that this appointment was the means by which he intended to induce Dr. Parkman to come to the College.

They have called several witnesses. They have called Mr. Pettie, who sold Dr. Webster's tickets to the medical course of lectures; and they have shown how the money was paid by Pettie to Webster: then they have shown evidence, from the deposits in the Charles River Bank, that deposits to an equivalent amount followed the payments of Pettie for the tickets. Then they have shown either what became of those deposits before Dr. Webster was arrested, or since; and they attempted to show, in that way, that all the funds which Dr. Webster derived from the students were used in such a manner that he had none of them to pay Dr. Parkman with. The evidence seems so satisfactory, that I shall not attempt to contest it at all. That was not the money paid to Dr. Parkman.

Then the Government have called certain other witnesses: Mr. Henchman, who testifies that, on the morning of this day, November 23rd, Dr. Webster presented

him with a cheque for ten dollars, which Mr. Henchman cashed for him. He had funds in the bank, and the money might have been paid; and if the cheque had been sent over at that time, it would have been paid.

Then they have called Mr. Smith, to show that Dr. Webster was unable to pay, or unprepared to pay, a small bill to him; and that Dr. Webster wrote back to him, saying that that bill should be paid when the money came in from the sale of his chemical lecture tickets. That is true. You perceive that that debt, like that of Henchman, was unpaid, on account of his daily expenses. That was to be paid from the chemical lecture fund.

We conceive that Dr. Webster wanted money for his daily expenses; and that he drew it from the source from which he was accustomed to draw all his money, and that he did not wish to appropriate this money to other uses.

Now, as to this money paid Dr. Parkman, I am free to say to you that we have not offered proof to show where it came from. And this we cannot do. Yet, the circumstances of the case are such as do not show that Dr. Webster had malice in his heart to contrive the perpetration of this most atrocious crime, for the want of this money. Gentlemen, you know now, as well as Dr. Webster knew then, that he was a debtor, and that Dr. Parkman was his creditor. You know now that Dr. Parkman had made up his mind, resolutely, in reference to his debtor, and that Dr. Webster knew it too. You know that Dr. Webster knew that there had been transactions between himself and another party, which, unexplained, thrown out to the community, would touch to the core the reputation of a man standing in the position in which he did. You know that, in the exigency of the time, he had mortgaged his property to George Parkman; that consisted in part of his minerals. You know that, subsequent to that, in his exigency, he had afterwards raised \$1200 by a bill of sale of those minerals, which had exasperated Dr. Parkman, but which



Dr. Webster vindicated by a long letter to Mr. Shaw, which, unhappily, is not here. Dr. Webster knew that the time was coming, and that speedily too, when he must answer to Dr. George Parkman. He must be prepared for that great day; for it is a great day with a man in Dr. Webster's situation—with a man with a large family, with expensive habits, and an expensive condition in life. When such a man is called upon to pay a considerable sum of money, he is obliged to strain himself on that side and on this side, and to gather in a fifty dollar bill here, and a twenty dollar bill there. And it was in this way that this money for Dr. Parkman was hoarded together, little by little, gathering it where he could, and collecting it where he could; knowing that the time was coming when he could not put off the day.

If you will examine the books, you will find, that of \$195 paid at one time by Mr. Pettee to Dr. Webster, \$150 were deposited in the Charles River Bank. All the other sums which he received from Mr. Pettee were deposited in the bank. But, of this \$195, \$45 were saved out, and made up, gentlemen, with the previous savings, the means of meeting the claims of Dr. Parkman.

In the meantime, he was subject to calls from other quarters; and though he might, at somewhat of an earlier day, have made payment to Dr. Parkman, yet, from the relation in which they were placed to each other, he was not over willing to gratify the immediate demands of Dr. Parkman, but was willing to put him off as long as he could.

There are corroborating circumstances, gentlemen. Understand me, that this is not gathered from imagination. Let us see if we cannot find such facts. Remember two circumstances: Dr. Webster says that he paid \$483. Of that money so paid, \$100 was in a bill of the New England Bank. Another circumstance in this connection: Brown, the toll-man, says, that on Friday he saw Dr. Webster passing the Cambridge Bridge, and asked him what he paid Dr. Parkman. He replied he

could not tell: some large and some small amounts. The toll-man said, that he understood that the money came from the students. But the idea intended to have been conveyed to the mind was, not that every dollar was derived from the students, but that portions of it were. This is apparent from the fact that he had received a considerable portion at a much earlier date. A considerable portion of the money received was distributed at once: \$230 were paid to Dr. Bigelow; \$195 were received afterwards; and \$150, the next day, were deposited, as the records, the testimony of Pettee, and the bank books, show.

But some of the money came from the students; on which there are two suggestions to be made.

The first suggestion is, of the saving of \$45 from the \$195. Second, that there was paid, according to the statement which he early made, the note of \$100 from the New England Bank. Mr. Pettee went to the New England Bank to get his money. He can't swear that he was paid, or that he paid Dr. Webster, in money of the New England Bank. But your personal acquaintance with such matters shows, the experience of everybody shows, that they do not pay anything but their own bills from banks. He laid this money aside, and paid it to Dr. Parkman. He had saved the rest of the money, but with the exception of the \$100 bill, he could not identify what he had paid.

MR. CLIFFORD.—I do not understand what this deposit is.

MR. MERRICK.—I suppose that he took this \$100, which he had received from Mr. Pettee, and kept it, and deposited other money in the Charles River Bank.

MR. CLIFFORD.—He reserved only \$40.

MR. MERRICK.—I don't say he did any more from the tickets. I wish to fortify these presumptions. I wish I could go to the persons from whom he received this money. Suppose that Dr. Webster had apprised his Counsel, "Why, I received such a sum of money here,

and such a sum there"—a careless man in his money matters—and that "twenty, forty, or an hundred dollars, in another place, were received;" and it should be proved not to be so—that there was a mistake about it. How hazardous a case it would be for him! Then it comes back to this course of daily savings. It appears that his situation was such as to require him to do it; that he had means, and that it might have been done. He says it was. Dr. Parkman had him in his power. He prepared himself for the time; he availed himself of all practical means to come to it. Then see if Dr. Webster is, or is not, corroborated in his statements on this subject.

The Government Counsel apprised us, after all the evidence was in, that he should claim not only that there was this money due to Dr. Parkman that Dr. Webster says he paid, but that the large note comprehended debts which were due to other parties, amounting to \$512.

Gentlemen, there is no other evidence in the case upon that subject from which the Attorney-General can argue—nothing but the notes and the papers in the case. Now the mere fact that Dr. Webster is found in possession of these papers would, under ordinary circumstances, create a presumption in his favour, that he was fairly, and honestly, and justly, entitled to them. Therefore this presumption exists in his favour until the Government establishes the contrary fact.

Now, Dr. Webster does not pretend, and he never pretended, that he met Dr. Parkman in order to pay anything else than the small note. Now, gentlemen, if you will look upon that small note, and see how the \$483.64 is made up, you will find that it is made up by computing the interest which is due to Dr. Parkman, not to the date of payment, but to a day considerably ahead; that is to say, apparently Dr. Webster paid Dr. Parkman more than was due. How comes that? Simply that these parties understood each other, and

there was some doubt about how much was due; and then there was a proposition, as Dr. Webster said to some witnesses, that when Dr. Parkman came and said, "There is so much due,"—"Yes," he replied, "that is what we agreed upon;" that is to say, they had fallen into some difficulty about it, and then had finally agreed on that amount.

MR. CLIFFORD.—It is so stated in the memorandum, Webster's pocket-book, and not elsewhere.

MR. MERRICK.—I will look at my minutes soon. Then, gentlemen, you have another circumstance. It is stated, by every one who speaks of the conversation of Dr. Webster in relation to that individual, that Dr. Webster spoke of the mortgage. He did speak of the mortgage. He says that after the money was paid—that is, the notes were cancelled—something was said in relation to the mortgage. It was rather an imperfect statement, but the amount of it was this: that Dr. Parkman said he would take care of the cancelling of the mortgage. Accordingly, you perceive that Dr. Webster did, on the next day, not only believe that the mortgage was to be cancelled, but, in point of fact, went to the city office to see if it was so. This is important, because, if you can find a basis of truth in that statement which is made by Dr. Webster at that time, it will enable you to complete the parts; just as Dr. Wyman found, from the fragments of bones which he collected, sufficient indications to determine to what parts they belonged, and to assist in reconstructing the entire skeleton.

Dr. Webster says that Dr. Parkman would see to it. You do not find the mortgage in the possession of Dr. Webster, but it has been produced here, from the papers of Dr. Parkman, by the Government. Now I think, gentlemen, that this is a strong corroborating circumstance. Look at the whole series of these business transactions. It appears that Dr. Webster was the debtor, that Dr. Parkman was the creditor; that Dr. Parkman meant to have his debt paid, at all events, and



that the note must be met. Then, as to a portion of his money, you find that Dr. Webster did receive money from the New England Bank, which would correspond, in part, with the money paid ; some portion of the money received from the tickets was not deposited. You find that the business transaction took place ; that Dr. Parkman went down there with the expectation that something would be done. He did carry his papers with him. That took place between the parties, at that time, which resulted in this, that Dr. Webster got possession of the notes, and Dr. Parkman kept the mortgage.

Now I put it to you that, in this state of facts, although this is not clearly proved, yet, that the explanations are sufficient to refute this assumption taken by the Government. This inference from his want of means, from the idea that Dr. Webster had not any money, and so seduced Dr. Parkman, by false pretences, to come to his place, is totally groundless. These are all the considerations that I have to present upon this subject, and I ask you to consider them. I do not say that the argument on this part is perfect ; but it is for you carefully to discriminate, and to secure the truth.

I wish now, gentlemen of the Jury, to call your attention to those circumstances which tend to show the character of the transaction, upon the supposition—with the idea, or hypothesis—that the death of Dr. Parkman was caused by the prisoner at the bar, at the time of the interview between them, at the Medical College, November 23rd. And here you perceive, gentlemen of the Jury, that we are under the necessity of relying exclusively upon the circumstances. Now, gentlemen, I contend that the circumstances which must have accompanied that scene of death, if death there were, must have been such as to have extenuated the offence committed, from the crime of murder to the crime of manslaughter.

What was the relation of these parties to one another, the circumstances under which they met, and from which they never separated, according to the Government, both

alive? You know that, for a long period of time, Dr. Webster had been indebted to Dr. Parkman. You know that Dr. Parkman became exasperated, to some extent, against him, in consequence of the acts on the part of Dr. Webster which Dr. Parkman denounced as unjust and dishonest. And, under that imputation of injustice and dishonesty, you know, from the evidence given, that Dr. Parkman meant to pursue, and did pursue him. I speak in terms well measured. So early as the first conversation which he had with his brother-in-law, Mr. Shaw, the feelings of Dr. Parkman were much excited against the prisoner. And I believe that, from that hour to the last hour when he was known to be in existence, that feeling never was removed, but became increased. You have the testimony of Mr. Pettee, with whom Dr. Parkman held several interviews. He in vain endeavoured to realise the money that was coming to Dr. Webster from his annual course of lectures. He was disappointed and chagrined. He had said to Mr. Shaw that he would have this money, and Mr. Shaw had endeavoured to calm his mind. He sent, by Mr. Pettee, a message, which, if it reached Dr. Webster, could not but have exasperated him. That that message, or another like it, did reach him, I think you cannot question. Dr. Webster was aggravated. Probably, never a profane word was spoken by Dr. Parkman; yet, that rash language was used, and, in the common parlance, vulgar language was used, which came in some way to Dr. Webster, certainly showing that there was not a kind relation between the two, I doubt not. You see it developed in other circumstances. So early as Monday evening of that week, that fatal week, Dr. Webster was at a late hour in that laboratory. You find Dr. Parkman, I will not say intruding upon him, but calling upon him. A conversation ensued, and Dr. Parkman departed, with a menace upon his lips. "Something must be done to-morrow," said he. The time is passing—the morrow passed. Dr. Webster, in the morning of that day, according to Littlefield and Maxwell,

wrote a note to Dr. Parkman. I wish it were here, and did hope, at one time, that, with the multifarious papers produced on this trial by the Government, that also would be presented. He wrote a note. Its precise terms are not communicated, but you will have no doubt that it had relation to the circumstances existing between them. Dr. Webster says that he came to him. That is a part of the memorandum found upon his arrest; and it is, therefore, competent for you to take into consideration that Dr. Parkman called again. At any rate, during that week, he was watching the highways, endeavouring to anticipate the approach of Dr. Webster to the Medical College. He was more than once at Cambridge Bridge. He was on the watch—he was on the inquiry. He asked the toll-gatherer of the passages of Dr. Webster.

On Thursday, having been at the bridge, he procured a conveyance, drove out to Cambridge, and, when near Dr. Webster's house, made inquiries for it, and returned. The next day they met, and by appointment, under the state of feelings and excitement which had been generated by their whole course of dealing, and by the pursuit of Dr. Parkman, so constant and so unintermitting, so pressing and urgent. Is it strange that men, meeting under such circumstances, should get into a wrangle?

Gentlemen, the parties met under these circumstances—in this state of excitement; and we are now to suppose the death of this individual. This is all that we know. The creditor, pressing with a firm, if not with a hard hand! The debtor resisting! Justice may sometimes seem to be too exacting in its requisitions. The claim of right may seem to him against whom it is pressed to be urged too far, and the party will turn upon the other, who seems to him to be the aggressor. Word after word will be followed by blow after blow, and deadly consequences may ensue.

Which, when we are speaking of probabilities, is more likely—which most likely—the sudden altercation, bringing the parties to combat, and from combat to death; or

that there should have been, on the part of Professor Webster, a cold, slow, fearful calculation, for a sin like this;—that he prepared the way; that he seduced the victim; that he led him on to the snare, and coldly and deliberately slew him?

You are not to go beyond this period of time, but to stop there. What had transpired between these parties before that time? Nothing which afterwards transpired could change the character of the act, which was then complete. I have said that you are not to go beyond the act, to ascertain the character of the act itself. And it is easy to show that it must be so. Should you think that you could go further, to see what disposition was made of this body, when it was once killed, and gather premeditation from that—stop and consider a moment. We should hope, perhaps we should even expect, that parties so situated, if they came to combat—if combat went on till death came—I say we should hope, and perhaps expect, that the party who, in the heat of blood, had been guilty of crime, would have been so overcome that he would have rushed from the place, and said, “God have mercy upon me!” to the first person he met; “I have killed my friend! From angry words, we proceeded to blows. Fuel was added to the flame, and in the heat of passion, I smote him to the earth, a bleeding corpse!” I say that we should have hoped that a man would do this.

But would all do so? Professor Webster was a man of standing in society. He had a wife and children. He was poor. While his blood was hot, and passion high—his victim slain—he does one rash act more. Before his blood cools, he does one act more. Surrounded as he was, the temptation came over him to conceal; and he did the first act of concealment. From that moment, all disclosure was too late. One false step leads to another, and at length the temptation comes upon him to conceal and destroy. To conceal and destroy! The temptation comes upon him to avert suspicion—to shut out proofs—to turn away inquiry. If, then, gentle-



men of the Jury, he shut up his doors—if he gave out false statements—if he did, what I do not think the evidence will warrant any one in saying—write these anonymous letters to the police, it would be only a continuance of that first false step, by which he shut himself out from his duty, and then, to cover up the crime he had committed, attempted concealment.

Pass, now, gentlemen, to the consideration of other matters. And yet, before I enter upon the evidence of the Government which bears directly upon Professor Webster, I have to ask your attention to that defence which was suggested by the Counsel associated with me, and which I may term the technical part:—the indictment and its averments—the duty of the Government in relation to it, and the effect of the evidence which they have produced.

[The learned Counsel discussed the counts in the indictment arguing that the prosecution were bound to indicate and prove the specific manner in which Dr. Parkman met his death.]

The only proof tending to show, in my judgment, that death was produced by either the hammer or the knife, is the evidence of Dr. Wyman, about the fracture of the skull, and the perforation on the left side. Will the evidence of those causes of death satisfy you, beyond reasonable doubt, that either of them was *the* cause? Remember that the Government are claiming that George Parkman was murdered by premeditation. Remember that they are saying, and asking you to say to John W. Webster, the fatal word, that he did premeditate this murder. If he did it premeditatedly, do you think he left the way of death to chance, to a chance blow, to the hammer which he might find, or the knife which he might seize; or that he prepared, in advance, the way? Will you say that he did not strangle this man—that he did not take care instantly to stop his breath by the lasso? Is that an unreasonable suggestion? When the Government are called upon to prove, beyond all reasonable

doubt, that it was by striking or by beating his body with his hands and feet, are you prepared to say that this proof, which comes to no more than this—that he was living, and is now dead and mangled—shows that the death was in a particular form? Will you say, gentlemen, that it is impossible that George Parkman might have been seized, and that liquid poison could not have been poured down his throat, while his head was held fast? Will you say that provision was not made by which he cast himself voluntarily upon the floor?—this man, who always went down those steps in haste—that he did not throw himself down, and destroy life in that way? We are in the broad field of conjecture. The Government ask you, not merely to conjecture, but to decide and to determine. It may be that there was a knife; it may be that there was a hammer. But is it certain? Unless it is certain that it was so, you cannot be satisfied of it; for it is necessary that the Government should aver and prove the cause of death. I ask you, gentlemen of the Jury, if it be proved, beyond a reasonable doubt, that death was occasioned in the forms and in the manner that the Government have set forth?

Gentlemen of the Jury, I shall proceed now directly to the consideration of the evidence upon which the Government claim that they have brought home to the prisoner at the bar the charge which they made. And here, gentlemen, we must pause for one moment, to see again the precise position which the parties occupied. I say, then, to you, once more, that the Government claim that George Parkman entered the College between the hours of one and two, on November 23rd, and that he never came out. The defendant admits that Dr. Parkman was there at the hour of half-past one, and that he left the College. You see the position which the respective parties take. If the Government will not take the admission of Dr. Webster that George Parkman was there at one and a half o'clock, but choose to take a different hour, that different hour is by them to be proved.

Now, gentlemen, I wish to call your attention particularly to the evidence bearing upon this question. I wish to do so, because involved in it is another consideration. The Government claim that Dr. Parkman came to his death by Dr. Webster's hands. Dr. Webster denies that statement. The Government claim that the remains which were found were those of the body of Dr. Parkman, and that they have proved that he came to his death by violence. This is neither admitted nor denied, in this state of the question, by Dr. Webster; but he says he knows nothing of it. We stand, then, gentlemen, on that—*on that*, as from the beginning. When Dr. Webster, on the morning of December 1st, after such a night as a man has scarcely ever passed, recovered partially the power of speech, he uttered, in simple but expressive language, his defence: "I do not think those remains are the remains of Dr. Parkman; but how in the world they came there, I am sure I don't know." His proposition, then, gentlemen, you perceive is, that by some way and means, and for some purpose or other, those remains were placed in that building, without his agency, and without his knowledge; and never has he professed to know what they mean.

There are a few subjects which, it seems to me, can be disposed of now better than in any other stage of the case; and I now propose to dispose of them, before going to the great propositions. The great circumstances which the Government rely on are, that Dr. Parkman entered the Medical College, and never went from it; that shortly after, the remains were found in such a manner as to imply that Dr. Webster must have known about them. There are several auxiliary circumstances connected with it.

In the first place, I call your attention to these anonymous letters. Three letters were received by the Marshal. They are brought in here for the purpose of showing that Dr. Webster attempted to avert the attention of the police from the College. And it is said—the argument

must be, that Dr. Webster, if conscious of innocence, if there was no occasion for diverting the attention from that College, could never have written such letters. The argument is strong, if the fact is established beyond all doubt. It would be difficult to assign a motive why Dr. Webster, as an innocent man, should have written such letters for any purpose, except to divert from himself the inquiry.

But, then, we are to consider, first—Is the fact proved, that these letters were written by Dr. Webster? That, gentlemen of the Jury, is utterly denied. I mean to state it to you from him as strongly as I can;—it is utterly denied.

[Mr. Merrick argued that it would be unsafe to accept the opinion that those letters were written by the prisoner.]

There are one or two other considerations. The Government have introduced testimony here in relation to certain articles found in the possession of Dr. Webster. They have called testimony here, to show you that on Friday morning Dr. Webster ordered a tin box. So he did. How does that connect Dr. Webster with this murder, or anything in relation to it? Why, it may be argued, that it is a box in which the remains could have been put. But was the box made for that purpose? Did the Doctor say anything which indicated that it was to be made for that purpose? The Doctor said no such thing.

Now see the position in which the Government was placed. Dr. Webster calls at Mr. Waterman's, orders a box; and is asked what it is for, and he tells. He is asked where it is to go, and he tells. The Government ask you to think that that is a lie. The Government say that it was a good thing to put the thorax and the thigh in; and, therefore, conclude that it was so. Gentlemen, you are to be satisfied beyond reasonable doubt; not what is probable; not what is likely. And yet, gentlemen, seriously, the life of Dr. Webster is dependent upon this very thing.



I have only to say to you, with respect to this, and the fish-hooks, that Dr. Webster had ideas of his own upon this subject. We cannot prove it by what he said to his wife, or children, or anybody else. He cannot get up in Court and testify to it. He does say that they had nothing to do with it, and puts the Government upon proof. Standing in a land of law, he has a right to say that they are not proved.

At one time, another matter seemed likely to cause perplexity. I refer to the bag of tan which was brought to the College by Sawin. Dr. Webster sent in, at one time, a bag of tan, from his house. A part of these remains were found embedded in the tan. Here were these remains on Friday, and the tan was sent in on Monday. Dr. Webster is able to prove that the tan was there on the morning after his arrest. The bag of tan was seen on Tuesday morning by Mr. Kingsley. But it existed untouched on Friday morning.

There is no proof that there ever was seen any other bag. It does not appear that the tan was ever used, or touched. Still, here, as in the other case, I suppose that the Government ask you to make some inference from it. The truth is, the tan was there for a purpose which Dr. Webster could explain. If you go into the laboratory, and see all the contrivances, you would hardly be surprised that anything which mechanics use should, in larger or less quantities, be found in a chemist's laboratory.

I did not know, gentlemen, at one time, but that we should be in danger from another matter, of which evidence is in the case—that bunch of keys which was found after Dr. Webster's arrest. Dr. Webster says he found those keys, and thought they might be useful. The keys were separate and distinct; and it turns out that a portion of them will apply to the dissecting-room, and to two doors in his own room. He had a right to go to the dissecting-room, and to his own room; and, therefore, the keys are nothing. If he were on trial for burglary, they might be proper evidence. Being on a

trial for murder, deadly weapons would be proper. The keys touch the burglar; the deadly weapons touch Dr. Webster. I submit that there is nothing which affects, or which ought to affect, this case, in the slightest degree.

Mr. Littlefield has testified, in relation to a sledge-hammer, which was there at the time when it is supposed this crime was committed, that he has searched diligently for it since—and it is gone.

Another witness has testified in relation to twine. There was twine found tied around the bone of the thigh that was inserted in the thorax, which was buried in the tan. This twine corresponds with twine which was found in the private room of Dr. Webster, and that which was on the fish-hooks, which were purchased. Now, if Dr. Webster committed this offence, he might, or he might not, have thrown it away. If he made that grapple, and while he was doing it on one side, he was tying the thigh with the other, it might convict him. But take our hypothesis, and it explains it. "How these things came there, I don't know."

The Government's case does not exclude the idea that all these might have been placed there by another agent. If another man came there and did any of these things—that is enough. If another man came there and brought these remains, that man could dispose of them, could carry sledges away if he pleased, could use sledges, and, if he found a ball of twine there, could tie it round the leg of a human being. And therefore the twine and the hammer are explained, if at all, by the agency of the third person.

One or two words upon two or three other topics, before I come to the main topic. Mrs. Coleman testifies that Dr. Webster called on her, and asked her if she saw Dr. Parkman on Friday. She said, "No, it was on Thursday." He asked again if it was not on Friday, and she repeated her answer. Just as he was going out of the door, he asked the third time. She seemed to indicate,

by her manner, that he had asked enough; and she answered something sharply to him. Everybody was inquiring, at that time, if any one had seen Dr. Parkman. Now it happens that it was almost immediately afterwards that he was arrested. It was on Friday that he called—on Friday, the day of the arrest, when he was going on a voyage of discovery. He said to Mrs. Coleman, “I saw him on Friday.”

I cannot but think that Dr. Webster must have understood Mrs. Coleman differently, or he would not have asked them to call in and get her conversation. There is no pretence that Dr. Webster sought to induce her to make any representations upon the subject. He simply asked for personal information; and having obtained that, howsoever he understood it, he did not ask her to make false representations. I shall leave that, with an assurance that it cannot make an unfavourable effect upon the interests of my client, upon the present trial.

There are two matters testified of by Mr. Littlefield, which would better be disposed of with this class of miscellaneous testimony. I refer to the blood, testified to by Mr. Littlefield, and to the inquiry of Dr. Webster relative to the dissecting-vault.

In respect to the blood, Dr. Webster was entirely open in his communication with Mr. Littlefield, saying that he wanted it for his own lecture. There is no evidence as to the use intended to be made on that occasion. Professor Horsford has said that it is not unusual to use blood, in the course of chemical lectures. If the subject was proper, it might be used to advantage. There is a presumption of law in reference to this, as to all parties—that the innocence is presumed unless the contrary is shown. And unless it can be shown that there was an inappropriateness of the use of blood in that lecture, it is nothing.

Then, as to the dissecting-room vault. Dr. Webster inquires whether it was mended; adding, that there was some talk about having it done. Littlefield said it was

done. "Well," says Webster, "it is tight, now; does it generate gas?" No; the Doctor did not ask the question; but he found out, so that he might infer it. Said he, "Did you ever try a light?" "Yes," says Littlefield; "Dr. Ainsworth asked me to put a light down, and I put one down, and it went out. Dr. Ainsworth could not get the article he was in search of." Dr. Webster says, "I want to get some gas," as soon as Mr. Littlefield told him that the light went out. "Can you, sir?" says Littlefield. "Yes, I can," was the reply; "and I will do it at another time;" and there the conversation ended.

It is a fact that Dr. Webster made this inquiry for an innocent object; and it is made use of, on this trial, against him. The truth is, if he contemplated this murder at all, it was so complete a place, and he was so assured of its safety, that you would, certainly, if Dr. Webster had done it, have discovered the body there, instead of anywhere else. I submit to you, that the evidence is insufficient to prove that for which the Government present it.

I come now to the evidence bearing directly on Professor Webster, viz., to the first proposition, that Dr. Parkman never left the building, and that the remains of Dr. Parkman were those slain by Dr. Webster. Dr. Webster's proposition is, that Dr. Parkman was there at half-past one o'clock—not after; not at ten minutes of two, but at half-past one; and how the remains came there, he is sure he does not know.

And now I have to ask you to consider that the Government theory is altogether incorrect; and that there is strong reason to believe that these premises were invaded by an unknown form. I have called, gentlemen, your attention carefully, I hope, candidly, to the evidence which the defendant has been able to produce here, tending to establish the fact of the *alibi* of Dr. Parkman. That *alibi*, according to the evidence on the part of the defence, commenced at twenty minutes after two o'clock,



when he was first seen, in Causeway Street, by Mr. Thompson.

I mean now, gentlemen, by the most precise and careful analysis of the evidence in this case that I am able to make, to satisfy your minds, not only that we, on the part of the defence, have proved the *alibi*—that is, the separation of Dr. Webster and Dr. Parkman—but that the Government have fully, and clearly, and unequivocally established it.

Let me call your attention to this question of time ; it becomes of the utmost consequence. Recollect that the assertion of Dr. Webster is, that the time was one and a half o'clock—not more than that. Was that the time ?

The Government witnesses, Mrs. Martha Moore, her son George, Dwight Prouty, jun., and the Messrs. Fuller, clearly establish that the time Dr. Parkman was seen going down Fruit Street into North Grove Street could not have been earlier than ten minutes before two o'clock. Dr. Webster says that is twenty minutes after he was at the Medical College. Where was Dr. Parkman during that twenty minutes ? Had not he got there, and gone away ?

I will endeavour to satisfy you that he went there, and finished his business, and had gone. At half-past one, Dr. Webster says he was there. What did Littlefield tell you that he testified on this subject, on a former occasion ? He fixes it now, approaching two o'clock. He does not fix it entirely ; he leaves it something loose. Dr. Webster fixes it at half-past one o'clock. What was the hour of the appointment ? Here we have testimony from Government, and from a person who knows something in relation to the servant of Dr. Parkman, Patrick McGowan. He did not hear all the conversation, but he did hear enough to know when was the hour of the appointment ; and the hour of appointment was half-past one o'clock. It is likely that, according to that appointment, Dr. Parkman was there at that time, because, according to the testimony of his friends, he was the most punctual of men.

But now I come to the testimony of Dr. Bosworth, and

to compare that with Littlefield's, who says that he saw Dr. Parkman coming towards the College on Friday noon, November 23rd, and that the door was wide open. The door *being wide open*, and Dr. Parkman coming toward the College, he went into the adjoining room, and saw no more. There was another man there when Dr. Parkman passed. Littlefield was standing there looking out, and immediately after saw Dr. Parkman go up to the door, as he passed by. Dr. Parkman went up on the steps. Now, Littlefield did not see Bosworth. Littlefield has not given any account of seeing any man at that time.

One thing more, which shows that there were two times when Dr. Parkman came there. When Dr. Parkman was coming up from Grove Street to the College, the door of that College, according to the testimony of Littlefield, was wide open. When Bosworth came there, and crossed the top of the steps in front, the door stood ajar—that is, partly open.

Now, the testimony of Bosworth, in connection with the statement of Dr. Webster, the time appointed as attested by McGowan, and the punctuality of Dr. Parkman to meet all appointments—I put it to you, if it is not the most probable thing in the world, that Dr. Parkman was at that place at half-past one o'clock, and then went away. Fifteen minutes after, he was in another place, according to the testimony of Mrs. Hatch, who testifies that at fifteen minutes before two o'clock she saw him going up Cambridge Street. I put it to you, whether this is not clearly evinced by all the testimony: that the appointment was made at half-past one o'clock; that the most punctual of men kept it; that the interview was, as Dr. Webster says, very short; that he left the College; and then, for some purpose or other, came back again, but shortly after was seen by Mr. Thompson, in Causeway Street. I do not see, gentlemen of the Jury, how this conclusion is capable of being avoided.

Let me ask your consideration to one thing more. Dr. Parkman stepped into Holland's store, and talked

about butter and sugar. Only consider that he had not been to the College. He had made an appointment to be paid by Dr. Webster, after pursuing him in all directions—going to Pettee and to the toll-man—going to Cambridge—watching the highways and byways; and then he goes down to meet his appointment; and do you think he would step in to Mr. Holland's to spend a quarter of an hour about buying butter and sugar?

Take another hypothesis. He has seen Dr. Webster, comes away, and goes to Holland's store. Holland says it was about half-past one o'clock. Mr. Moore says it was a little later. He steps into Cambridge Street just in time to be seen by Mrs. Hatch. And then you will find that afterwards he was upon the College steps, for some purpose or other.

Here are these facts. I cannot explain them; there is mystery everywhere. If it cannot be explained, give to the defendant the advantage of all probabilities and arguments in his favour. Do not let your decision be more fatal than the events of that day.

Now, gentlemen, let me go one step further. I have said to you, in an earlier stage of the case, that it was not uncharitable, nor unjust, nor unreasonable, to suppose that, in this state of excitement, he might have been touched by those causes which occasionally touch and overcome human infirmity; and that if his friends believed that he might have been overcome by aberration of mind, this may account for his irregularity of movement—for his failure to return home—his conduct, in one instance, at least, peculiar.

Now let us trace that night down, and see whether the Government testimony excludes all reasonable theory. If Dr. Parkman was out, you see the foundation for a reasonable theory exists. If his dead remains were found, Dr. Webster had nothing to do with them. That night, at half-past ten o'clock, he was at home, or at Mr. Treadwell's; found at home at half-past twelve or one o'clock, and at home in the morning. A medical student has

testified that he saw Dr. Webster at six o'clock in the morning. I leave it to you to say whether he is not mistaken. Mr. Kidder saw him at five o'clock, buying cologne. The young ladies say that he was with them at tea, and spent the evening with them. That night, when I have shown you that Dr. Parkman might have been brought into the College, Mr. Littlefield was careful to fasten up that building, bolt the dissecting-room door on the inside, and leave it bolted. *The next morning*—Dr. Webster at home during that night, and all night—that dissecting-room door, which was bolted on the inside, was found unbolted. Somebody had been there. Who was it? Somebody had been there. Inexplicable, mysterious, but important, most important, for your consideration! Somebody had been there. Monday and Tuesday, these rooms of Dr. Webster were passed through, at least, if not searched. Nothing then was found. Wednesday after, he returned home at eleven o'clock. Dr. Webster was in Cambridge, and remained there till evening—till he went to pass the evening with his friend Cunningham; spent Thanksgiving at home, and came into Boston Friday morning.

In the meantime, had anything else transpired? During this period of time, Dr. Webster's rooms were accessible, because Littlefield got in, though not through the door. But he who unbolted the door on Friday night could have got in the same way as Littlefield did. But, during that time, a change of some significance had taken place.

Kingsley made an examination with Littlefield—slight, it may be, but still some little examination. And, among other things that he saw, was this tea-chest, at that time filled with tan, and partially covered with papers containing minerals. Partially covered! Not entirely!

MR. CLIFFORD.—Are you speaking of the first search?

MR. MERRICK.—I am speaking of the search on Tuesday.

MR. CLIFFORD.—The first was Monday.



MR. MERRICK.—Between that Friday and Tuesday there was a change in that particular. That chest then was only partially covered up with minerals. A change had taken place, and, in the meantime, this building was accessible. It had been entered in a mysterious way on the very Friday on which Dr. Parkman disappeared. A change took place, and, accompanying that change, there are these two very remarkable circumstances. In this tea-chest, what else was found? In it that knife, as clean as when taken from the merchant, with no spot upon it, was placed. Wherefore so? Dr. Webster had made no concealment of it. Wherefore conceal? The silver weapon was exposed. Why hide this, a clean knife, by the side of that tan? If Webster had done so, why? If another man had done so, he had a motive; that was, to bring in direct connection Dr. Webster and these remains.

Another circumstance! Why was that twine put upon the bone of that thigh? Can you conceive the reason? Assume that Dr. Webster did it. He did not put any twine upon the remains which were cast into the vault! He did not tie it round the thorax, for the purpose of pressing it together. But it was tied to the bone. Wherefore—*wherefore?* Dr. Webster could not have done it. If there was a mysterious being there, who changed things while he was gone, who did all the business—then, gentlemen of the Jury, you can see a reason why that twine was there. It was to bring, if the matter were ever discovered, that portion of the body into immediate connection with somebody.

Now, gentlemen of the Jury, these remains were not found, any of them, on Monday or Tuesday. On Tuesday, remember, the testimony of Mr. Kingsley was, that he saw a fire burning in this furnace—a bright fire burning there. But there is no pretence, I think, that then the head, or the arms, or the limbs, of any human being, were in that furnace. There is no such pretence as that. If there was a bright fire burning, it was seen;

and if human flesh or bones were burning, they would have been noticed.

On Wednesday, it was said that there was a great fire burning in the furnace. But Littlefield saw none. Yet he did see Webster carrying the materials. For what purpose, we do not know. But this we do know—watched or not watched, Dr. Webster left early on that day, and did not return till Friday morning. In the meantime, the room was open to whomsoever might go there. And if there was a person who disposed of some of these remains by putting them under the lavatory, finding the fire left by Prof. Webster in the morning, might he not have conceived the idea of burning a portion of the remains there, and so the whole be accomplished?

Now I have said that these were mysterious circumstances. Probably Dr. Parkman wandered round the city, and finally went, in the evening, to the College. But there is a mystery beyond.

There is one mystery concerning what is found. The remains found are those alone of the *naked* dead body of a human being. Where are the remnants or the traces of the garments? In this furnace, mark, so accurate and so exact was the examination of the chemists, that they were enabled to detect a quantity of tea-chest lead. It is in the report which has been read to you. So exact and minute was one examination as that. Where is anything, or the remains of anything, but the naked dead body of a human being?

Now, I put it to you, if when in that College you find nothing but the remnants of a naked human being—if you know that Dr. Parkman had garments upon his person, if you find that there is a probability that he may have been, in aberration of mind, wandering in different places—I submit to you if it is an extravagant, visionary theory, that he was stripped elsewhere, that his garments never were in that College; that he was taken in there a naked body, and treated as he was treated till danger was thought to come, and then his body was disposed of.

I wish, for a few moments, gentlemen of the Jury, to ask your attention to the consideration of some of the testimony of the Government, which has been thought to be, and perhaps rightly thought to be, of a very conclusive, at any rate, of a very material character. I refer to the testimony of Mr. Littlefield. I regret that I am obliged to do so, because I am confident whatever is said about this has a tendency to point a suspicion toward him as the perpetrator of this crime. Now, gentlemen of the Jury, you must not misunderstand me. I will not take upon myself the fearful responsibility, in defending one man, to charge another with the same crime. Far be it from me to say that I will charge Ephraim Littlefield with this crime! But, gentlemen of the Jury, it is my duty to examine, and it is your duty to weigh, the testimony of this witness; and if there be anything which tends to affect the testimony of that witness, you must give it weight, whatever the consequences may be.

Then let us see if there are circumstances which should abate our trust in that testimony. If there are, we must give them weight. You are to weigh the testimony of Mr. Littlefield. He is, to some slight extent, corroborated by the testimony of others; by Sawin, the express man, from Cambridge, who says that he brought things from there, and left them in the entry, as he never did before. I suppose that he had never brought such things before. He says the Doctor told him—not that the room was locked, and that he would not find the keys—but to leave them in the entry. But he went there, and concluded that he would take the key from the kitchen, and stepped in to get it; but it was gone.

First, Dr. Webster did not say the room was locked. Secondly, consider that he said nothing on the subject of the keys. Thirdly, Mr. Littlefield had said that he had continued to go to this door, that he had tried it, and found it bolted on the inside; from which I think it not improbable that the key was in the possession of Mr. Littlefield himself, he retaining the key, not for the

purpose of deception, but in the natural course of things.

CHIEF JUSTICE SHAW.—Sawin's testimony was, "Dr. Webster said Leave them outside, and I will take them in."

MR. CLIFFORD.—He corroborates Littlefield.

MR. MERRICK.—I stated that he did so, fairly. And I think, so far as that the doors were locked, Mr. Littlefield is confirmed. To about the same extent, Mr. Littlefield is confirmed by the testimony of Mrs. Littlefield. It is not very material. She had been asked to do something, and after a time was unable to do it, without explanation from Dr. Webster.

But Mr. Littlefield says much more. And it is not, after all, so much the effect of the testimony of Littlefield, in finding this door or that door fastened, which exerted an influence; but the tenor of his testimony, that Dr. Webster entirely changed the character of his conduct, entirely changed the mode in which he took care of his room, and gave outward manifest appearance, by changed conduct, that something was wrong.

Gentlemen, in considering this testimony, let us take a point from which we may make our observations. That point is Sunday night, when he had his conversation with Dr. Webster, who then inquired of him when he saw Dr. Parkman last. He replied, on Friday; which, in passing, gentlemen, you may recollect is quite different from what he said to Trenholm, on Saturday—that he had not seen Dr. Parkman for three or four days. Dr. Webster told Littlefield that at the hour of one and a half o'clock, Dr. Parkman came, and he paid him \$483. And then, by the narrative of Dr. Webster, and his manner, "it came," says Littlefield, "into my mind, that Dr. Webster was guilty" of this awful crime of murder. Up to that moment, between Littlefield and Webster there had been as kindly a relation as there is between you, gentlemen, from your long acquaintance upon this panel;—the Professor occupying a chair in that



College; Littlefield holding a place in part under Dr. Webster, and Dr. Webster a man of fair character and reputation in the world. Yet, this brief conversation, as Littlefield said, forced upon his mind the clear, settled, firm conviction, that Dr. Webster, the man whom he was talking with, was a murderer.

So clear and certain was Littlefield, that he went to his wife, his bosom companion, unfolded to her his convictions; and she replied to him, "For mercy's sake, don't say or think of such a thing as that!"

Now, gentlemen, is not that somewhat remarkable, that this strong, mighty, overwhelming conviction—that this should have come into the mind of Littlefield at that time, from that conversation—not from what had transpired elsewhere, *but from that conversation?* Now we have this point of observation:—This witness says that at this period of time his suspicions were strong and overwhelming—thorough, certain, complete, and undoubted. Now mark his conduct before and after that time, and see whether it squares with the statement that he makes, that his conviction was so strong upon his mind that it was only under the exhortations of his wife that he was silent for a moment.

Before that Sunday, on Friday, again and again during the afternoon, he visited all the doors, in order to enter and make fires. He went to the party; he came home late; he went to all the doors at that time of night—and what for? Surely not to make fires at that time, when the next day was not lecture-day! He testifies that he went to the party, and came home in his party dress; that he went to these rooms, and examined them all.

In a man who had no suspicions, this vigilance was remarkable. You are called upon to note extraordinary circumstances in the prisoner;—note them in the witness who testifies against him. Saturday he watched; Sunday he tried the doors of Webster. Why? Surely not to make the fires on Sunday, in the morning! Remember, no suspicions were then excited.

CHIEF JUSTICE SHAW.—Of what Sunday are you speaking?

MR. MERRICK.—The first after the disappearance.

CHIEF JUSTICE SHAW.—It was Sunday evening that he had this interview.

MR. MERRICK.—I am speaking of his conduct before the interview as incompatible with his want of suspicion. Wherefore all this action before the suspicion? Now go to the day after. You see the vigilance before his suspicions were excited: see how it was after. On Monday morning—the very next morning after this deep and awful conviction came upon his mind—when he came to the overwhelming conclusion that the Professor, his friend, the teacher, had been guilty of the most awful crime that had been committed in the community—he goes into that room; he passes through that laboratory alone, that day, twice—three times, I believe, and once with the police! Yes, three times! He was there four times; three times alone, and with an opportunity to search just as much as he pleased! In the morning, Dr. Samuel Parkman first came there. Littlefield afterwards came in, ascertained that Dr. Samuel Parkman had gone up, went to the door by the laboratory stairs, and entered that laboratory. That is the first time that he enters that laboratory after the suspicion had come into his mind that Dr. Webster had committed this awful crime! Would not his eye naturally have fallen on every object that could have attracted attention? And yet, he passed through that laboratory to the upper room, heard a part of the conversation, and turned and went back! Opportunity ample! Dr. Webster he knew to be engaged. His own suspicions most strongly excited! Then he knew how those rooms had been watched and guarded, if he had been as vigilant as he says—and yet, he makes no observations!

Afterwards, Mr. Blake comes there. He goes, to gain admission for Mr. Blake, through this same laboratory; and, finding the door open, goes through it, and makes no observation whatever! Then, again, gentle-

men, that same day, Kingsley, the agent, and Mr. Starkweather, the policeman, go there to gain admission, in order to search in this College. Mr. Littlefield tells you that, many hours before they came there to make search, he had his mind impressed with an ineradicable conviction that Dr. Webster was guilty of this murder. If that was his conviction, if the police came there, armed with the power of the law, to investigate with regard to this matter, I ask you how a man with such suspicions would have conducted? Would he not have searched? Would he not have watched? And yet, he says that he passed through that building in the most formal and imperfect manner, without a search at all.

Tuesday came round. The police came again. The convictions had not been eradicated from the mind of Littlefield at all. He goes with the police. Mr. Clapp says, "We do not suspect you at all. We are ordered to search this part of the city. The neighbours will object to our searching their houses, until after we have searched here." Mr. Littlefield says, that he believed Dr. Webster was a murderer; but he would not give a hint to that officer that it was worth while to be a little more vigilant! And when he had got into the laboratory, and that inquiry was made about the lavatory, and Webster diverted attention from it, then Littlefield did not even say that it was necessary to be more exact! Nay, he was the least observant of all. Mr. Kingsley tells you that he made the discovery of the spots of nitrate of copper; and yet they escaped the attention of Littlefield!

In the nature of things, can it be that this suspicion should have existed, which would make everything deserving of observation, and yet, that Mr. Littlefield did not draw the attention of anybody to the spots, so plain upon every step, or even notice them himself? I say, the want of vigilance creates a suspicion and distrust in his integrity, which appeals to a Jury for a careful estimate of his testimony.

Again, that same day, in the afternoon, that friendly intercourse took place. When Dr. Webster rung the bell, and Littlefield went to answer it, he gave him a turkey, and Littlefield thanked him. I must confess that I can hardly conceive how he could have taken that order from Dr. Webster, furnishing his Thanksgiving dinner—that food over which he was to be grateful to Providence for all the past favours he had received—and was taking it, as he believed, from the red right hand of a bloody murderer!

Go to the next day. The next day, in the morning, he watches. All the discovery is, that fire is made in the furnace. He goes away. In the afternoon, he returns. In passing through that dissecting-room entry, he says that the heat was so great he felt it upon his face. That is a great heat to arise from that furnace. You have been there, and have seen it; and I think it deserves the careful consideration of gentlemen, whether he could have discovered it. He felt it hot, and thought the building was on fire. He attempted to enter into those rooms. He went to this small furnace. The fire was substantially down. How can this be? How the wall, on the outside, could give out so much heat as to make a person think the building was on fire, after the assay furnace had been substantially extinguished, is beyond my belief. I submit whether it is not beyond yours.

Then go one step further. Mr. Littlefield saw there was a strong fire here. He has this building to himself. His suspicions are vehement. He goes to the hogshead, to see if he can find the body of Dr. Parkman; but, was so observant of Dr. Webster's directions to him of his little affairs in that laboratory, that—though he believed him to be a murderer, though this fire is strange beyond all things, and he was making it when Littlefield was watching him—yet, even he will not take off a crucible, and did not do it! He left, without making any more of an examination about the body, except in the hogshead. I believe he discovered the acid at that time. But he



did not go to the lavatory; and he made no effort to get in there, though he thought Dr. Webster had diverted the police from that place!

Thursday, he told his hired man. Then his conduct changes. He is gradually unfolding his suspicions. An axe is sent for to Harlow's and then he takes a hatchet and chisel, to see if he can find the remains of Dr. Parkman. Why should he go there? It was the lavatory that Dr. Webster had excluded him from. Why not contrive some way or other to open the door, and get in there; perhaps all this painstaking of getting in would have been needless. Why not go above? and, if the body was not found above, why not drop a light down the vault?—it would have shown everything. But no! this process was too simple. He goes below, to dig through the wall. But he works imperfectly; he does not accomplish it.

I believe the last reward for the body was published coincident with Mr. Littlefield's exertions to break through that wall. Though he disclaims all intention of claiming it, yet I can see no earthly reason why he should not claim it; for the parties are able, and he has been the object of some obloquy. His exertions were coincident with the last reward, which he now disclaims. He went to work with this mighty conviction, and yet he left that work unfinished and incomplete! Was it the conviction that he was upon the very track of the murderer, and that he should find, decaying there, the body of Dr. Parkman, which could, the next day, be carried off to some other place—and yet he delayed for want of tools! He went to the party, and danced eighteen out of twenty times, with the conviction that a dead man's bones were almost under his apartments at home, laid there by the hand of the wickedest criminal that had lived since Cain!

On Friday, he does not rise very early. And, what is very remarkable, at nine o'clock, while he is at breakfast, Dr. Webster comes in, and speaks to him, in the

same, calm, easy manner in which he has spoken to others about Dr. Parkman; inquires after the news; and he then tells him what, but a short time before, he had been told by someone in Dr. Henchman's shop—the story that he had heard of mesmerism, the cab, and the blood. Littlefield says, that there are so many stories flying abroad, that he does not know what to think. And this was the conversation that took place when half the College wall was undermined, and when Littlefield was meditating the completion of it! In the course of that day, what strikes me as most remarkable is, that Mr. Littlefield, in all the long testimony which he gave, never once, from that moment Dr. Webster conversed with him in his kitchen, looked for, or sought to ascertain, where Dr. Webster was. I have looked at my minutes, and I cannot find that, from the time on Friday when this easy conversation took place with him, that Mr. Littlefield even went to the laboratory door, or to the lecture-room or anywhere else, to see if Dr. Webster was in the room. And, for aught I can see, he told his wife to watch whether Dr. Webster was coming, before having taken the precaution to ascertain whether Dr. Webster was in his laboratory. Now, this is Friday afternoon. Mr. Littlefield goes to work again. He goes then to the Messrs. Fuller—and, gentlemen, bear in mind the reason which Mr. Littlefield has given for this work, rather than that of finding the body of Dr. Parkman. He says, he could not go up town, without being told that the body was under the Medical College. He says he went to work there, to satisfy his own mind and that of the public; and yet, he had thought Dr. Webster guilty, and had not failed to mention it on fitting occasions—first, to his wife, then to Dr. Hanaford, to his neighbour, and to Trenholm, and, on Friday, to Drs. Bigelow and Jackson—the latter of whom said to him, “Do it before you sleep.”

And, at length, Starkweather, and Kingsley, and, shortly afterwards, Trenholm came. He had then

accomplished his work, and perforated that wall. All he had to do was, to apply the force of the bar. A hole, the size of the bar, had actually been made. Two policemen, and the agent of Dr. Parkman came. Starkweather put this question to him, as he has testified, though Littlefield does not mention it—"Has every place in this building been searched?" Mr. Littlefield replies—"Yes, it has, except the lavatory of Dr. Webster." Remember, that Littlefield has said that the suspicions that the body was concealed there were universal in the community. He told Starkweather that every place, except the lavatory, had been searched. "Well," said Starkweather, "let us search it now." "No," said he to Starkweather, in substance, "wait till Dr. Webster has gone home; he has got the key." I do not mean to say of the lavatory, but the keys of his establishment. "Then," said Starkweather, "I will come to-morrow morning." Why not then? Why not have had one disinterested witness, who might, at this moment, have testified about it? Why did he put off Kingsley and Starkweather, when the hole was actually perforated? Throughout the whole, those men had been there with him—those men who could have been vouchers for his integrity.

He penetrated that wall, gentlemen of the Jury, exactly up by the wall on the north side, I believe, of that building; and there, almost in the very front of the hole he made, some few feet distant from the perpendicular line of the lavatory, were found these remains, with the water dripping on them from the sink.

Gentlemen, I bring to you the facts in the case. If they are startling facts—if they demand explanations from Mr. Littlefield, which cannot be given—I bring them to you only that you may say what ought, in justice and in truth, to be deducted from his testimony. And if the chain be impaired by the want of credibility of this witness—if you, in short, do not believe, because of these internal difficulties, these intrinsic corruptions, in the

testimony—then, gentlemen, this mass of net-work, these great theories and hypotheses of the Government, crumble away, as the cloud and the mist are dispersed in the beams of the rising and refreshing sun.

Gentlemen, allow me to contrast, for a moment, with these considerations, affecting how far you must judge the credibility of Mr. Littlefield concerning the conduct of Dr. Webster, some other facts. Would Dr. Webster, gentlemen of the Jury, do you think, have done all that has been found to be done in that building, if he had been the perpetrator of this crime? Do you think he would have multiplied proof, and made proclamations to invite suspicions upon him? That is unnatural. He would not have done what he never did before. Gentlemen, is it likely he would have scattered these remains, in order that they might have been most readily found?—that he would have made a fire, so as necessarily to attract attention? Why, you find improbabilities starting upon the testimony of Mr. Littlefield. You find corresponding improbabilities in the conduct of Dr. Webster.

And, let me approach, gentlemen, those considerations which have the strongest presumptive tendency to manifest the innocence of Dr. Webster. First, gentlemen, where are the traces of crime? Where are the marks of blood in this laboratory? The physicians have told you the quantity of blood in the human body. Has blood been found? A half a dozen spots on the left side of the pantaloons, and two or three upon the slippers, which have been in that room for years! The medical gentlemen say they cannot tell how long those spots have been there. That is all you can find. These clothes have been where blood is sometimes used, as Professor Horsford testifies; and half a dozen spots are found, and that is all. Do you think they came from Dr. George Parkman? And, except these traces, which might have been there before, there is not to be found the slightest mark of violence there.

Now, gentlemen, there is no mark of violence—either



of blood, of stain, or of instrument. Nothing! The knife which is found is untarnished; the Turkish knife contains no blood. The floor is not marked with blood. There is no indication of violence! and yet, it is said, that, at noon-day, two muscular men met—muscular and strong, though in advanced life;—Dr. Parkman, a vigorous man, and somewhat powerful; Dr. Webster, such as he was;—that this mortal struggle occurred; that a mortal blow was given, and no blood was found, though the pavement was taken up, though the walls were searched, though the garments were ransacked, and no blood found, save what has been mentioned, which might have been there years before!

The overalls were carried away, Littlefield says; and yet, Horsford testifies he found them there, after he came. The policemen used them for pillows; I do not believe they rested their heads on blood. Professor Horsford has examined them, and he finds no blood. Is it possible that this crime can have been committed by Dr. Webster?

Again, if it is done, is it possible that he has done it without preparation? He is a chemist; he understands this power of his over the human muscle and the human bone. If he had meditated this murder, he would have dissolved to liquid every inch of Dr. Parkman's body and bones, in proper vessels, cut up as it was, in much less time than he had. And if he had contemplated this murder, would not the most effectual means have occurred to him?

There cannot be an improbability, in my judgment, greater than this supposition, that he could have committed the murder without destroying all traces of the body. It overcomes theories, and hypotheses, and conclusions, and deductions, from these surrounding, and, as the Government think, overwhelming masses of circumstantial evidence—which are met by the fact, that there are no marks of violence, no proofs of crime, and a total absence of all means of destruction which he

could have used. While, on the other hand, the imperfect, incomplete, insufficient effort to destroy a part of this body, by putting potash upon it and holding it over the fire, showing the work of an unskilful man, proves that it must have been an unknown, inexplicable being who did the work, which the Government are now seeking to impose upon my unhappy client.

Nay, more, gentlemen! These improbabilities, that Dr. Webster could have done this thing, grow stronger and stronger, the more evidence is presented for your examination.

Follow Dr. Webster from that place. See him with his family that evening. The first part of it is spent as usual, with his wife and children. Then see him accompanying those children to a neighbour's family hearth; then going by himself to Professor Treadwell's, and spending two or three hours in social conversation—not absent-minded, not full of fits and starts, not frightened at the sound he has made, but self-possessed, calm, social, as usual. Were ever human nerves made *that could do this?*

I pray you, gentlemen, weigh this, weigh that, when you are considering these circumstances. The next day, in the morning, he was about to visit the family of Dr. Parkman, because, the night before, he had seen in the public papers that George Parkman was missed, having had an appointment with an unknown individual; so that Dr. Webster knew that the friends, the family, and the community, did not know where Dr. Parkman was. He had but to keep silence, if he had committed this crime; and yet, gentlemen, with that full knowledge, but with a conviction that the crime had nothing to do with him, he comes to Boston for the express purpose of making known that he was the man.

Dr. Webster came to tell his story, and he told it as well as he could; and I submit, that no prejudice is to come to him now, because Mr. Blake thought him too warm, or Dr. Francis Parkman deemed him too cold.

Go with him further, and you find that he called on the City Clerk, at East Cambridge, and found that the mortgage was not cancelled; went to his study; was found there by the police; went home; and was lecturing to his class on Tuesday, while these bleeding monuments of crime were just, as it were, by the side of him. *Can it be so?* From day to day, gentlemen, his avocations show him as calm and quiet as his brethren of the profession, and as clear in his mind, and regular in his actions, as the sun in the morning. Gentlemen, it is not possible!

On Friday, November 30th, he was with his family. In the evening, came the officers and ministers of the law. They came, indeed, without authority—perhaps without authority which could wholly vindicate them, but in the belief that they had the right to make the arrest—acting, doubtless, in perfect good faith. The ministers of the law—Clapp, Starkweather, and Fuller—went to Dr. Webster's house, to make the arrest, on the discovery of the remains in the vault. Dr. Webster is found tranquil. Mr. Clapp, who knows him, addresses him, and tells him that further searches are to be made at the Medical College for Dr. Parkman, and he is required to aid. "Very well," said he, "I will go"; as candid as you or I could be. "Let me step in, and put on an outer garment." As they were entering the carriage, he said, "Stop a moment; I have left my keys; I will get them." "No matter," says Clapp, "we can get in very well."

They enter the carriage. A free and easy conversation takes place. They speak of Dr. Parkman; Dr. Webster speaks freely on that subject. The conversation changes. They converse on other topics. They keep up a calm and quiet conversation all the way to Boston; and this, on a representation that these officers had made, that they were going to search the Medical College.

Now, suppose that Dr. Webster knew that he had committed this crime. If he had committed it, he knew it. His rooms had been twice searched. He finds

three officers, come late in the evening, to search again, at that time of night. If he had been guilty, do you think, gentlemen, that his nerves would have upborne him then ?

They passed the second street leading from Cambridge-street. Dr. Webster says, "You are going wrong; you have passed the street to the College." Mr. Clapp says, "The driver is a green fellow, but I guess he will bring us up right at last." Dr. Webster is still calm. They reach the gaol. Mr. Clapp alights, and asks the gentlemen to descend for a moment. They enter the gaoler's apartment. Mr. Clapp enters the inner apartment. They all enter; and then Dr. Webster looks round, in the dim darkness of the gaoler's inner room, and asks, "What does this mean?" Mr. Clapp replies, "It is no longer of any use to impose on us; the body of Dr. Parkman has been found. We have been sounding round the Medical College. We shall search no more; and you are arrested as his murderer." Dr. Webster started back, with the simple exclamation, "What! me?" "Yes—you!" His voice sank, as his heart did. "He attempted," said Mr. Clapp, "to articulate. He began to speak to me something about the crime; and I told him not to speak to me of that. He waited a little while, and asked that his friends, most respectable Mr. Dexter and Mr. Prescott, should be sent for; and I said, 'They cannot see you to-night.'"

Here is the man deceived. He knew he was deceived. They told him one thing, and meant another. No matter that it was for good and honest purposes—they did deceive him. And when he spoke, Mr. Clapp stopped him, and said, "Don't speak to me of your crime." Then said Dr. Webster, "Let my friends speak for me." "No," replied Clapp, "you cannot see them to-night." And he became as a child at its mother's breast—helpless! hopeless!—and he exclaimed, "My children! my children! what will they think of me?" Not, "How shall I escape?"—but, "My children! my children!"



He was left in this condition. A *mittimus* was put into the hands of the officer ; and he was alone, in faintness of body, in feebleness, bowed and overcome as he was by the deception which had been used upon him—his faculties disordered—his mind broken and shattered by the shock which I know not how any man could bear. He spoke to Starkweather ; who responded, “ Don’t ask me ; it is improper for me to tell you ” ; and he sank back in his chair, scarcely able to sustain himself, while a few short ejaculations fell from his lips, which instantaneously were put down on paper. And the very words he uttered in that state—awful, overwhelming, cruel state of mind!—are brought here by that officer, and detailed to you, to work out his conviction, closing with this most significant language, “ No person has access, but the porter who makes the fires,” in answer to the question put to him. Then he exclaimed, “ Oh, I am a ruined man ! ”—language put into his heart and understanding, and almost into his lips ! This police officer calls his attention to the man who had access to his room ; and Dr. Webster, under this affliction, overwhelming and ruinous, was pointed to the janitor by the police officer, who did not tell him that he was wrong when he asked him, “ Who has access to your rooms ? ” And the exclamation follows, “ I am a ruined man ! ” As if he had said, “ Here I am, under arrest ; they will not suffer me to speak ; they will not suffer me to see my friends. There is a charge upon me ; I know not on what it rests ; I have been deceived. Oh, my children ! my children !—what will become of them ? ”

It occurs to his mind, on the question put to him by the police officer, “ Who has access to your room ? ”—“ I am a ruined man ! ” *Is that confession*, after such a conversation as that, and under such circumstances ? Will you say that the Government have the right to consider such a confession possible ?

Go with him one step further. Mr. Parker comes to see him. The prisoner, careless of his position, weeps

for his children. Mr. Parker says to him, "Another family have been in distress for a week past"; and silence only follows—silence, only with some slight exclamations from the prisoner. Yet he willingly accompanies the officer, to visit the scene of the alleged murder. His rooms are broken open; and I call your attention to one great fact. He was helpless nearly all the time, from the moment that this great charge was made. But from all the witnesses you have it in testimony, that, if he became calm for a moment, it was not in the inner but upper laboratory. Remember, gentlemen, the occasion when he became calm. Remember that at that time the remains had not been exposed to Professor Webster. He had not been told where they were, or where they were to come from. But then he was most composed;—and when was that? It was at the time, gentlemen, that they were asking him for the key of the lavatory.

A wrong key was tried, and brought back to him. He then said, "That is the key of my dressing-room." There, gentlemen, was a moment of calmness. That was at the very place and time when, according to the theory of the Government, they were to go to the identical spot where Dr. Webster had deposited these remains. Yet he was calm, comparatively. He went below, and the fit was on him. And, gentlemen, from that state and condition in which he was, he did not recover again. He said no more. He was overcome. He was the victim of circumstances. He was unmanned.

The next morning he was found in this same overwhelming prostration. A few hours partially changed him. He awoke to new life, and, with the little strength that he had, in the first moment of dawning reason, from this night of darkness, and agony, and shame, and mortification, and distress—with the first dawning light of reason, he uttered, in simple but expressive language, the whole of his defence:—"I do not believe," said he, to a man whom he was for the first time in sixty years to

call his gaoler—" I do not think that these are the remains of Dr. Parkman ; but I am sure I don't know how in the world they came there." Gentlemen, that is his defence. He cannot tell you how they came there ; he asks you, gentlemen, to give care and scrutiny to those surrounding and pressing circumstances. He asks for leave, under the ægis of the law of his country, to present himself, with that reputation which sixty years of life have given him. He brings the community around him, from the president of the university to the mechanic at his bench.

And, gentlemen, *it is* the rule of law, that in cases of doubt, where evidence is complicated, where it is uncertain what conclusions shall be drawn from these mystifying masses of circumstantial proof—it is then that the toil and the virtue of life come as a protecting shield, to say that he who in life has embalmed virtue shall at the last be saved by it ! His character is here. He brings it, and lays it before you ; and with it he brings all that he has done within, and around, and near, these awful remains of death, and of mutilation of the human form. He implores you to weigh them well : and he asks only that your consciences, when your last day's work in this Court shall be done, shall be pure and free ; that you shall have given weight to all his objections to the evidence of the Government ; that you shall look to this *alibi*, which appears overwhelming in its accuracy and positiveness ; that you shall save him, in the hour of his affliction, to be returned to the world again, and yet arrive to that humble home of which no voice can adequately tell the sorrows that now sit there, or the joy that may yet be imparted to it !

God grant him, in this day of peril, a good deliverance ! And may He grant it to you also, that you shall never reflect upon your final determination here, but with inward peace and inward satisfaction, that shall sustain your life, and crown you at the last in death !

[The Court adjourned.]

ELEVENTH DAY. Saturday, March 30th

[CLOSING SPEECH FOR THE PROSECUTION]

THE HON. JOHN CLIFFORD.—*May it please your Honours, Mr. Foreman, and Gentlemen of the Jury :*

In a cause, gentlemen, of the magnitude and the interest of the one now before us, I expected, and doubtless you expected, that everything which human power could bring to bear upon it, in order to exonerate this defendant from the charge which the Grand Jury of this county have preferred against him, would be done—that all that professional fidelity, all that professional skill and adroitness, all that human eloquence and ingenuity, could possibly advance in his favour would be done.

And, gentlemen, in that expectation I have not been disappointed. The transcendant ability which characterised the closing argument in his behalf yesterday shows that whatever conclusion the evidence in this case may compel you to come to, there has been nothing left unsaid or undone, which, consistently with the truth, could have been said, or could have been done, for this prisoner.

But, gentlemen, I had, if not another expectation, at least another hope. I expressed it to you, when I opened this case, a fortnight, nearly, ago : that when the evidence which the Government had to array here before you against this unhappy man should have been all presented, I did hope that he could furnish some explanation of the terrible circumstances which had weaved round him a web that seemed to be then irresistibly contracting to his doom. And, I grieve to say to you, that after all that has been done, and all that has been said, that hope has been utterly disappointed.



I ask you, then, to consider how all that evidence has been met. We have waited long days, and weeks, and months, for an explanation of these facts. This prisoner, although he has been the inmate of a cell, has not, you know, gentlemen, been, in the language of his Counsel, a forlorn and forsaken man, unaided, and unable to prepare himself to meet the testimony of the Government. No! far from it. He has not, as my friend, the opening Counsel, asserted here, been compelled to sit by, the victim of prejudice in the public mind, arising out of public rumour, and waiting patiently till the day of his deliverance should come, in a Court of Justice, by making his explanations and showing his proof.

It does not lay in the mouth of this prisoner, or his Counsel, to come here and complain of any course which has been taken, respecting him or his case. Never, I venture to say, was a man put upon his trial for a crime that affected his life, who had received such consideration from the Government representative as he has received from me.

I am not aware that there has existed a single fact that has not been fully communicated and freely exhibited to the Counsel for the prisoner, to enable them to investigate, explain, and answer it, that, when they came before a Jury of their country, they might be enabled to say, "We have known everything that the Government have to prove; we have prepared our answer; we can explain, and here is the explanation."

And now, what is that explanation? I call your attention to the fact, that the evidence which he has put in here applies to but four propositions. And I call your attention to the further fact, that, upon that evidence, such as it is, have been founded four hypotheses, put before you by his Counsel; and it is my purpose, to put those two things together.

In the first place, in answer to all the evidence which the Government has produced here, he has called the witnesses to his character. That is a point that never

was in controversy, namely, that he had an outside reputation; how well founded in his real character, the other evidence in this case must determine, to a considerable extent.

The second point has been an attempt to show (I am now speaking of the evidence he has offered here) that for him to be locked up in his laboratory is not an unusual thing—an attempt, from one witness, which has entirely failed, and which has been met by other testimony, independent entirely of that which has received the harsh comments of the Counsel.

The third attempt was to show his own conduct, and his whereabouts, during the week which intervened between the disappearance of Dr. Parkman and the finding of his remains. That is the third proposition, as offered to be supported by the proof to which the evidence applies. And this case is to be tried upon the evidence.

The fourth proposition is, an attempt to answer this whole case of the Government, by showing that after Dr. Webster and Dr. Parkman were together, on November 23rd, Dr. Parkman left him, and was seen abroad in the community after two o'clock of that day. This is absolutely all.

Is there any doubt that George Parkman, a highly respected, almost universally known citizen of this metropolis of New England, a man of large affairs, a man of extensive connections and interest, has been murdered? Ay, and, by a most remarkable coincidence, is there any doubt in your minds, now, after hearing all that has been said by the prisoner's Counsel—whether he were the perpetrator of it or not—that Dr. Parkman was murdered in the building of an institution which owed its erection to his munificence?

And, gentlemen of the Jury, if that fact be established—no matter who was the perpetrator—if the laws of Massachusetts are impotent to ferret out, and detect, and convict, and punish the perpetrator—then the sense

of security and of safety, which belongs to us as the members of a civilised society, is gone for ever.

The complaint has been here that there has been no direct evidence—strong as the Counsel has admitted this mass of circumstantial proof to be—that the act committed by him, as charged in this indictment, was witnessed by any human eye, and that that witness has come here upon the stand to say so. Gentlemen of the Jury, how many murderers think you have been punished, or ever will be punished, if a Jury are to wait until direct evidence of an eye-witness is to be furnished to them, in order to remove all reasonable doubt from their minds? What degree of security will there be in society?

What is circumstantial evidence? Is it so much less satisfactory and strong than the positive testimony of a witness? Why, gentlemen, the testimony of a witness is not dependent entirely upon his integrity and veracity. The value of it, certainly, is not entirely dependent upon these. It is, in no inconsiderable degree, dependent upon his intelligence, his powers of observation. But if there is a class of facts existing, which, combined, lead the mind, by the stern and inflexible chain of logical sequence, to a necessary result, the mind must give to it its credence.

I now come to the consideration of points of law upon which I shall address myself to the learned Bench in your hearing. The ground that we take, may it please your Honours, upon the law, is established upon well-settled principles of the common law, as recognised in the case of Peter York, and subsequently affirmed by this Court in the case of Washington Goode, and more recently in the case of Knowlton. Unless it appears, by a preponderance of the testimony, to have been done under reasonable provocation, such as the law recognises, malice is to be presumed; and, malice being presumed, whether there is express malice shown by the proof or not, it is murder. Then, gentlemen, the distinction that

was taken, and very properly taken—and, upon the authorities, fully illustrated by the opening Counsel—between express malice and implied malice, I do not intend to go over, because I entirely concur in every proposition stated to you on that subject, in regard to express malice. If you find there was anything of premeditation with regard to this prisoner, that ends the inquiry of this case. That fixes it, by all the authorities, upon the very ground taken by the prisoner's Counsel, to be a case of murder. But, if you should not be satisfied of that, still, the law presumes, in the absence of any controlling proof, that there did exist the other species of malice, namely, implied malice.

Therefore, it is quite immaterial, in sustaining this charge against the prisoner, whether the Jury are satisfied of any proofs of the premeditation or not, unless they are, on the other side, satisfied upon the proof, that, when those two men came together, there was not merely exasperating, irritating and provoking language, but that there was, on the part of George Parkman, a provoking blow, which led to another from the prisoner, that was fatal to his adversary. Because, upon this matter of implied malice, the provocation which the law recognises cannot be a provocation of language, no matter how exasperating, how irritating, it may be. Therefore, if exasperating words were used, and a sudden blow was given by the prisoner with an instrument likely to cause death, then, gentlemen, he is as much guilty of murder as if he had prepared and planned it for months before, and beguiled the party to the place, and there carried into effect his previous premeditated purpose. Hence, we take no exception to all that matter of law put into the case; and I only refer to it now, to say that you must have felt, as I did, a painful disappointment, when this case was opened by the defendant's Counsel—that, while we were anxiously looking for an explanation of facts, we had the extraordinary spectacle of the Counsel for the prisoner devoting two hours and five minutes to



the discussion of the law, and ten minutes to the presentation of the facts.

Exception has been taken, gentlemen, to this indictment; or, rather, perhaps I ought not to say that. I do not know exception is taken to the indictment. But, although it is said that the Government may charge, in the various modes in which they have charged, in the first three counts, a homicide committed by the prisoner—yet, they are bound to prove, in this case, to the entire satisfaction of the Jury, that the homicide was committed in one or the other of those modes; and that the fourth count of this indictment, in which the Grand Jury have charged upon this prisoner, that, by some means, instruments and weapons, to them unknown, he did commit murder, is not such a count as can be sustained in a Court of Law.

Gentlemen, if that were so, we ought to have been saved the long and anxious labour of this trial. If that were so, and the law were open to that reproach, I think this learned Bench would require that very conclusive authority should have been produced to satisfy their minds of their imperative duty so to rule. Why, take the very illustrations of the Counsel here—and I could not conceive of more cogent and effective ones—take the illustrations which he presented in support of that monstrous proposition—that if a man is so scientific in his deeds of blood as to be able to conceal the mode or the means by which he consigns his brother-man to a sudden and a violent death, although the fact may be proved upon him as clear as the daylight, he cannot be punished, under the laws of Massachusetts! That is a most extraordinary and monstrous proposition. It may be that this Honourable Court may say that this is the law; but, the illustrations show us to what such a construction of the law would lead us.

I will give you but one illustration, and I submit it to the Honourable Court, as an evidence of the absurdity of this proposition. I derive it from the case itself.

Suppose, may it please your Honours, that Dr. Webster, with premeditation, had enticed Dr. Parkman into his laboratory, and had there, in a scientific manner, in some way to the Jurors unknown, and also unknown to anybody and everybody, murdered him; and had succeeded—in the mode indicated by the Counsel—in the space of eight hours, in destroying every vestige of that body, by acids, or in some other way. Then, suppose that four most respectable Professors of that institution found the clothes of Dr. Parkman—he having been seen to enter, and not seen to come out of Dr. Webster's room—and his pocket-book, taken by the prisoner from Dr. Parkman, in the possession of this defendant, and no vestige of his body. Then Dr. Webster says, taken by surprise, "I murdered him, but do not betray me." Those Professors thereupon take him into custody. Not another word is said. Then, when he is advised by Counsel, he retracts his confession, and there is no evidence how he killed him; according to the monstrous proposition of the Counsel for the defence, he might have walked the streets of this city, and shown himself anywhere, free as the air, throughout this Commonwealth of ours, and the law could not reach him! Now, if that is the law of this land, it is time it was altered. No! it is not so.

Gentlemen, I shall maintain, here before you, that if you are doubtful—and I admit you may well be—whether he died by a blow on the head by a hammer, or by a stab from a knife—if you are doubtful how it was done, by what means, or instrument—and yet, if you are satisfied that Dr. Webster was the perpetrator of the homicide, that he did deprive Dr. George Parkman of life—then, no matter how he did it, he cannot, under this indictment, escape the violated justice of this Commonwealth.

Now, in order to come to the consideration of the evidence, I start with this proposition:—That the proof in this case must satisfy you beyond a reasonable doubt—and by that is meant a doubt for which you can give a satisfactory reason to your own minds, and to others, if

they ask it ; not a possible doubt ; not that it was possible that someone else might have done this, but a reasonable doubt, that George Parkman has been killed. Have you a doubt of that ?

Why, it is said by the learned Counsel that there is no direct evidence that Dr. George Parkman is not now living ; and it is gravely put to you, in the face of all this proof which we have had here, upon the testimony of Dr. W. T. G. Morton, and upon such improbabilities as the ingenuity of the Counsel could invent—it is gravely put to you, as a question in doubt, whether Dr. George Parkman still be in full life or no.

Well, gentlemen, what have we been doing here, for a fortnight past ? What has been done before we came here ? Have the solemn rites of religion been performed over unknown bones ? Has his estate been administered upon, and have others succeeded to and entered upon the large responsibilities which belonged to him—and yet, is he still among the living ? Has there not been a search, which has brought into requisition, not only the vigilant police of this city, but which made every man in it a policeman—a search such as never was had before ? And no tidings or trace of him, living or dead, have been found, unless these mutilated remains, and these calcined bones, constituted parts of his mortal frame.

But we are to consider, what was originally intended to be presented as leading to this conclusion, but which, upon the strength of the proof, has now been tortured into making the foundation for another hypothesis—the evidence of the *alibi*, so to speak, of Dr. Parkman.

What was the original purpose and object of the Counsel, in undertaking to show here that Dr. George Parkman was seen on Friday afternoon, November 23rd, after two o'clock, and so along till five o'clock of that day ? Look back to the statement of the opening Counsel for the defence, and you will see what it was. Did an intimation fall from the lips of my learned friend, the junior Counsel, that their evidence was to satisfy

you—what the senior Counsel undertook to maintain as his hypothesis—that there was a separation of Dr. Parkman and Dr. Webster, which reconciles the testimony of both the Government and the defence? That was for the purpose of satisfying your minds, or rather of raising a reasonable doubt, whether the remains were proved to be those of Dr. Parkman. That was the object of it; for that was really the great point in the defence. Dr. Webster had started it very early in these proceedings, and under circumstances which made the declaration pregnant against him, that that was no more Dr. Parkman's body than it was his body. So they went over this community to find witnesses who could testify to having seen Dr. Parkman. And I venture to say, that from the fifteen or twenty whom they might have presented here, they selected the five whose stories most nearly agreed. Yet can you doubt that they might have had fifteen more? But it would have placed him in so many places at the same time, it would have been impossible for the evidence to be correct, without making him ubiquitous.

[Counsel argued that the evidence of witnesses for the defence who said that they had seen Dr. Parkman on November 23rd was mistaken.]

But, beyond and above all this, let me now meet the proposition of the Counsel for the defendant, by saying that, whether these people saw Dr. Parkman or not, as they have testified, is entirely immaterial to your verdict. If you are satisfied that Dr. Parkman's remains were found in the premises of this prisoner; and if the evidence connects him with those remains, then, what matters it whether Dr. Parkman was seen after two o'clock on that day or not? The Court will tell you that the time when this homicide was committed is immaterial. It may have been on one day, or another; it may have been at one hour, or another.

But where was Dr. Webster himself that Friday afternoon? Where did he dine that day? Is the fact which



the Government have put in here disturbed one particle—shaken from its foundation at all—that Dr. Webster was at that laboratory, dinnerless and alone, with no lecture to prepare, at a time when the longest interval occurred between his lectures, viz., from Friday until Tuesday? And if he did dine anywhere, whether at home or abroad, would he not have shown it? He was arrested within a week. He had sagacious, acute, and intelligent friends about him; he lacked no legal counsel, no anxious friendship, which would seize upon such a vital fact as this, and prove it before you. And if he was locked up in that laboratory all that afternoon, whether he enticed Dr. Parkman back there and slew him at four o'clock instead of two o'clock, what is the difference? And thus, all this testimony about the Parkman *alibi*, as it is called, becomes entirely immaterial to the real issue before you.

But I now pass to the consideration of the identity. How is this proved, gentlemen of the Jury? It is put to you as an open question; how is it proved? We have heard something said about the negative argument. I think it will be apparent, upon a little consideration and analysis of the testimony, that there is nothing negative in the argument which I shall draw from the facts proved here, independent of the teeth.

In the first place, the evidence shows, beyond all question, that the parts of a human body found in that furnace, and in that vault, and in that tea-chest, constituted parts of only one human body. By the marvellous science and skill, so beautifully detailed to you here by that accomplished scientific man, Dr. Wyman, and by the testimony of those other intelligent physicians, who made the examination of the body—by the testimony of all of them, this fact is placed beyond the reach of doubt. In addition to that, it is evident, from all the testimony, that these constituted the parts of a body which was not a subject for dissection. It has not been suggested that any other person was killed or missing,

except Dr. Parkman. And now take these coincident facts :—that here were the mutilated remains of a human body ; that no subject was missing from the dissecting-room ; that no person had died, by violence or otherwise, whose remains were missing ; no living person missing, except Dr. Parkman ; and that these remains are found to bear every point of resemblance, and not a single point of dissimilarity, in form, age, or size, or in the fact that he wore false teeth—I ask you, if anything can rest on human probabilities, what is the value and strength of this argument ? Is it negative ?

Why, you might take the entire community—ay, the community of the entire country and the world—and go through it, and select from it the man who most resembled Dr. George Parkman : let him be slain ; let that man's remains be mutilated precisely as these were mutilated, preserving no more than were preserved of these ; and the chances are as millions to one—ay, you cannot calculate the chances—that upon the remains of that person, of those portions of them corresponding to those found here, although there might be entire resemblance in most particulars, still there would, to the searching eye of friendship, and of long acquaintanceship, be some one little point of dissimilarity ;—and one such point as that would be just as fatal as if there were no resemblance at all. Yet here you find, from the testimony of the physicians, from the testimony of Mr. Shaw, of Dr. Strong, and others who examined them, and drew their conclusions, that they were the remains of Dr. Parkman, before Dr. Keep had ever examined those teeth, or it was known that Dr. Keep could have identified them.

I come now to the positive, the demonstrative testimony ; upon which I undertake to say, that you, as intelligent men, must be as well convinced, as if we had brought in here the entire mortal body of the deceased. I mean the testimony of Drs. Keep, Noble, and Wyman. And I approach it reverently, when I consider the circumstances under which this identification was made—

when I remember the long and patient labour of that conscientious man, Dr. Keep, upon the manufacture of a set of teeth for Dr. Parkman, that he might be present at the opening of that College building of which he had been the munificent benefactor—that it should happen, in the order of Providence, that in that very building, where he met his fate, that very set of teeth should have been found to identify his remains, and to vindicate his memory—ay, and to vindicate the law! I do approach it reverently. I seem to see in it the guiding hand of Almighty God, leading us to the discovery of the truth.

And, consider, too, that these witnesses were no volunteers, in order to fasten upon this unfortunate person a charge so awful and revolting as this. No! Dr. Keep's own emotion indicated with what reluctance he had come to that awful conviction. Why, gentlemen, why? Not simply that these were the remains of his friend, but that they were also the remains of the friend of Dr. Webster, who was also his friend. He was his teacher; he saw how it tended to fasten and fix this act upon him.

And he felt as any man of ordinary feeling would, at coming to such a conclusion as the truth required him to state to us—"I know those teeth were his, as well as if I had them entire in my hand to-day." That he could state this with confidence, take the testimony of the experts we put upon the stand, and what becomes of the miserable pretext which Dr. Morton presented, that such blocks of teeth could not be identified? They could be recognised, according to the beautiful analogy expressed by two of the witnesses, Drs. Harwood and Tucker, in the words of one, "as well as the sculptor would know the product of his chisel"; and the other, "as well as a painter, who had studied a face for a week, and painted it upon the canvas, could know the portrait as his own work, wherever he might see it."

If anything more were needed, it is found in the conformity of the jaw of Dr. Parkman to the mould

which Dr. Keep had; which would corresponded with all the peculiarities of the jaw of Dr. Parkman, picked out from the smouldering ashes, and, by that true lover of science and uncompromising seeker for the truth, Dr. Wyman, put together, and produced here before us. If he had produced here Dr. Parkman's right hand, with a scar upon it which every one of his friends had known, the evidence of identity could not be more conclusive.

I now pass to the consideration of another proposition. I consider the matter settled, beyond all question, that there were found, in Dr. Webster's laboratory, in the vault, the tea-chest, and the furnace, the remains of Dr. Parkman. The circumstances under which those remains were found, negative, without the aid of argument, the two propositions which have been presented by the learned Counsel:—one, that he died by his own impious hand—that he committed suicide; the other, that he died by the visitation of the Almighty—a natural death. No man, it seems to me, can call upon Counsel to argue a question like that. Why, gentlemen, to have died a natural death, and his body to be found thus mutilated, and mutilated there!—for what conceivable purpose? Is it possible that he committed suicide, and some person, in mere sport, had hacked those remains, and burned that head? Preposterous! Absurd! Could his death have been innocent, with such a disposition of his body? No, gentlemen! The circumstances under which those remains were found bring us conclusively to the conviction that crime was connected with the destruction of Dr. Parkman's life, by whomsoever it was done.

I now, gentlemen of the Jury, come to examine the hypotheses which have been set up on behalf of this defendant. I ask you to consider whether anyone of them even, taken alone, independent of the rest, is a rational, reasonable hypothesis, such as the law contemplates to negative the hypothesis which the Government



maintains upon circumstantial proof. I shall then ask you to consider how consistent with each other these hypotheses are. For, although that argument, which embraced these theories and propositions, was addressed to you in the most impressive language and manner, and although each independent and distinct proposition came from my learned friend with a force and fervency which I could not hope to rival, if I had the ambition to do so, still, I think you could not but have been struck with the manifest contradictions and inconsistencies into which his case had betrayed him.

But what were the propositions? They were, that Dr. Webster admitted, what we had proved, that Dr. Parkman went to that College at or about half-past one o'clock; that he paid Dr. Parkman the money, which we say the proof denies; and that, beyond this, he denies everything. Then the Counsel undertake to construct their hypotheses. In the first place, and most important, they disclaim, now that our proof is in and uncontrollable, all imputation upon Mr. Littlefield as having been the author of Dr. Parkman's death. If they had not done that in words, you, as a Jury, would be bound to put your impress upon that hypothetical statement of what Mr. Littlefield did, or might have done.

But the Counsel argues, supposing this to be the body of Dr. Parkman, it is not proved he died by violence; he might have died a natural death, and been stripped and robbed, and his body carried into the laboratory of Dr. Webster, and he not know it.

I have already had occasion to say to you, we are not here to discuss possibilities. It is no part of your duty, though it may be a part of the duty of the Counsel. He could suggest nothing else. Why, gentlemen of the Jury, he might, with almost equal plausibility, say that Dr. Holmes, the accomplished physician and Professor, who entwines with his scientific laurels the wreath of the muses—whose fame is precious to us all—who is known, and honoured, and beloved everywhere—that

Dr. Holmes might have killed Dr. Parkman, when he was coming down out of his lecture-room. But we are not dealing with possibilities.

Having dismissed Mr. Littlefield, and the other possibilities, the suggestion is, that the deed was committed by somebody out of the College, and the remains carried there. And that really seemed to be the proposition upon which the Counsel rested. You see the inconsistency of his other propositions; if Dr. Parkman went there at half-past one o'clock, and then went away, as Dr. Webster said he did, and thence to Holland's store, and bought his groceries, and then back again to the College, and was there waylaid and murdered, then all the testimony which they put in afterwards, of the afternoon *alibi*, goes for nothing. He never was seen out of the building, if that is true. If he was killed elsewhere and carried there, it involves another absurdity. The idea is, that it was done by some robber or marauder, who waylaid him, and, after he had slain him, carried his remains to that College. For what? Why, the first suggestion is, to have them destroyed, or for concealment until the excitement arising out of his disappearance should subside; the other is, in order to get the reward which was offered for the discovery of the remains. Then it becomes quite material to consider what is meant by the suggestion that the criminal got in there that night, and by that mysterious unbolting of the door. Ay, and when was that? Friday night!—that was the night of the day of his disappearance. The robber and murderer was expeditious, upon the hypothesis that he separated from Dr. Webster, and was wandering about the city deranged that afternoon, and his body concealed in the College that night.

But how does this consist with the theory that he was killed elsewhere, and it was not until a search was made, and a reward offered, and when slander began to breathe upon Professor Webster's name, and connect him with the disappearance, that this marauder, whoever he was, went

and deposited the remains in Dr. Webster's room, and there proceeded to dissect and destroy them? What is the proposition? Does it satisfy your minds, gentlemen? Does it raise a reasonable doubt? Remember that, whoever this marauder was, he was a tolerably competent dissector and anatomist; for the manner in which that body was cut up, in the expressive language of Dr. Holmes, showed it to have been done by a competent person—"There was no botching about the business."

More than that—he was something of a chemist. Do you remember the testimony of Dr. Charles T. Jackson, confirmed by one of the other medical witnesses? It was he and Mr. Crossley, who, with Dr. Gay, made the examination. Their testimony, independent of that of Dr. Gay, is, that they took portions of the muscle of the thorax, and found that strong alkalies had been applied to it, which is known to chemists to be a most efficient mode of destroying flesh.

More, gentlemen!—and this answers a very considerable portion of the theory advanced by the Counsel—I ask you if you believe that it would be possible, in a community like this, distinguished for its intelligence and its humanity, that such a man as Dr. Webster could remain, not under suspicion only, but under an accusation like this, for four months together, and no hope-giving trace or indication of his innocence be discovered? Do you suppose that suspicion upon such a man as that could ripen into accusation, and that accusation into an indictment, and that indictment into trial, in a community like this, and the world sit down quietly and let it all go on, if he were an innocent man? But, it is further urged by the Counsel, that, before suspicion had begun to be aroused, even as early as the Friday night of Dr. Parkman's disappearance, the person who carried the remains there got into that building in some incomprehensible way, and hence the door was found unbolted in the morning. You remember how impressive the Counsel was about that unknown person, who might

thus and then have effected his entrance into the building. This, of course, is utterly subversive of the other theory, if it has any foundation in the proof.

Four months have now elapsed, and neither time, place, mode of death, nor any other circumstance, has directed attention to any third person; nobody else is suspected. It is idle, it is absurd, to suppose, in a state of evidence like this, that anyone else committed the act which all that evidence tends to fix and fasten upon this prisoner.

There is a further suggestion—and I will answer it now—that the remains were carried to the Medical College with a view to get the reward. Did ever a reasonable man listen to, or did ever wise men, who were uttering their own convictions—

[MR. MERRICK here interposed, and held a private consultation with the Attorney-General.]

MR. CLIFFORD.—I understand, may it please your Honours, and gentlemen, from my learned friend—to whose argument, to whose efforts, I am certainly disposed to do entire justice—that he used the matter of the reward in connection only with this consideration: that it might be remarkable that the offering of the reward was coincident with Mr. Littlefield's commencing the search for these remains. The fact is not so; but, if it were so, what an absurdity it would be, connecting it with anybody! That a person should deposit there, and afterwards find there, what?—not that portion which has been satisfactorily identified, but parts which could not be identified! How absurd, that he should have destroyed all those parts of the body by which identity is ordinarily proved, and to which we must resort to prove it—the head, hands, arms and feet—and then undertake to find the remains which were concealed in the vault, for the purpose of getting the reward, when the great question would be, in the first instance, whether they were the remains of Dr. Parkman or not.

Then take the other proposition. Could any man in



his senses have undertaken to destroy those remains in Dr. Webster's laboratory?—in the day-time, remember, when he was there, as we show, not by Mr. Littlefield alone, but, as they show, negatively, by their own evidence. For it is a most remarkable and significant fact, that the three daughters of Dr. Webster put their father away from home at the very time Mr. Littlefield puts him at the College, and Mr. Littlefield puts him away from the College at the very time they put him at home. Now, the absurdity of any person doing such a piece of work as this, in that laboratory, without the knowledge of Dr. Webster, is manifest. Suppose they had secured their opportunities, when he was out? There was that assay furnace, in which, upon the evidence, a fire had never been kindled before. Do you think Dr. Webster could have had a person there, and a fire in the furnace, without his attention being attracted to it? Who would be so fatuitously presumptuous as to attempt to fasten upon a man in Dr. Webster's position an accusation like this and by such means as these?

Now, gentlemen, I intend to state to you two or three propositions upon this subject, which, I think, are clearly met by the evidence. If Dr. Parkman had been killed in that College, and his body never carried out, but subsequently conveyed into Dr. Webster's laboratory, for concealment, or for the purpose of being consumed, then it is evident that either Dr. Webster or Mr. Littlefield must have known it. I think that we cannot escape from that proposition.

Then, we come to the next hypothesis. Was Dr. Parkman killed outside of the College, and his body brought into the apartments of Dr. Webster? If so, it must have been brought there for one of three purposes:—Concealment; to be consumed and destroyed; or to fix the charge of murdering him upon Dr. Webster. The last I have already considered. With regard to the first, *concealment*, it is obvious that it could not

be accomplished, because Webster or Littlefield must know it.

Was the body to be *consumed and destroyed*? All the evidence shows that this could not be done without his knowledge. Drawing off the water, burning up the fire-kindlings, so that only a small quantity was left, packing his knife in the tea-chest, using up his tan, spilling his nitrate of copper upon the stairs, penetrating into his private room to get the twine—and the fact of that twine being kept in Dr. Webster's private room my learned friend found it convenient not to remember—the grapplings and twine being all together in that private room, in a drawer—now, I ask you, if any stranger could have done this, and Dr. Webster not have known it? I put it even upon a *possible* hypothesis. I anticipate your answer. The idea of fastening suspicion upon Dr. Webster—what is that? It is not shown to you that he had an enemy even in the world; it is impossible to imagine that any man should have possessed the temerity of fastening the charge of murder falsely upon such a man. And yet, if that had been attempted by anybody, what would have been the natural course? Why, he would have taken the dead body there, and left it in its unmutilated state. Found under these circumstances, it would have been conclusive. What was the probability of its being found? Suppose this hypothesis to be true—the man who killed him outside the College, in order to fix it on Webster and get the reward, did nothing to discover it.

Mr. Littlefield found those parts under the vault; officer Fuller those in the tea-chest; and Coroner Pratt, or Marshal Tukey, the bones in the furnace. If that is true, this unknown, *possible* person took the most incompatible modes of carrying out his intention, and adopted the most efficient means to defeat its fulfilment.

There are, in this case, two or three great, overshadowing facts, which, long ere this, would have sent any common culprit a doomed convict from the dock.

Before adverting to them, let us consider the other proposition, which has not been made—not in terms been made—but which has been indirectly attempted to be maintained ;—I mean, the proposition that Mr. Littlefield is not to be believed. And why ? Because, as the Counsel was compelled to say, that, if he was believed, it did make this case a strong one against the defendant. Gentlemen of the Jury, why is he not to be believed ? By what rule are you sitting here, as his fellow-citizens, and under the sanction of your oaths—by what rule of evidence, by what rule of law, by what rule of justice, by what rule of right, are you to say that Mr. Littlefield has not entitled himself to your credence ?

I do not put Mr. Littlefield upon this stand as a man of culture—of nice, delicate moral sense ; but I put him here as an honest man, who fills reputably his position in life—a useful, though humble one—and in that position commands the confidence of those who know him best, and are best able to judge of him.

I say to you, that I think you are bound to receive and accept the testimony of Mr. Littlefield as true. For whatever there has been in it that has been the subject of comment—that looks unreasonable—we have an explanation. In my view, there is not a single act testified to, that is not perfectly explicable, and explained by the theory that he had conceived a suspicion, which, in my opening statement I put before you, he conceived as early as Sunday night. The fallacy of the argument of the Counsel will be shown, in commenting upon Mr. Littlefield's testimony. He asked why he did not do this, or that. "Extraordinary conduct," he exclaims, "that Littlefield should have gone to Webster's room Friday night, after coming home late in the evening !" He took that fact, without considering the others—that he went, at the same time, according to his custom, round into the dissecting-room and the entries, to fasten up the building. Why should he not try Webster's rooms also ?

I may as well answer, here, the objection of the Counsel, that he took the turkey. Why should he refuse it? Should he refuse the only present ever given him by Dr. Webster, and thus tell him his suspicions? It don't appear that he ate it. But it does appear that he did not dine at home on Thanksgiving day; so that all the pathos and poetry of my learned friend, about his eating that consecrated meal, received from a murderer, is entirely lost! [Laughter.]

Now, gentlemen, if there is anything, in any system of law, which lies at the foundation of all justice, it is that, if a man is to be put upon his trial, he should first be accused. And that is what my friends on the other side have been insisting upon. They say that we have not charged Dr. Webster with sufficient precision, in our indictment. They did not undertake to charge Littlefield at all; and yet they undertake to try him; and it is the breath of an advocate alone which is to fix and fasten infamy upon an honest, though a humble man.

Remember the testimony of all the witnesses who were at the College as early as Tuesday of that week, that, when the significant allusion was made to the lavatory on the first day, and to the lavatory-key on the second, that Littlefield, in a natural manner, stands up before the Professor, and says, "That is Dr. Webster's private lavatory. He is the only person who has the key"; and Dr. Webster bows them politely out of the door. And when the key was asked for again, on the second occasion—the Friday of the arrest—Mr. Littlefield said again, "Dr. Webster keeps that key." What, then, does Dr. Webster do, with respect to Littlefield? This man, whose accusation against him is to strip him of name, reputation, perhaps life itself—what does he answer? "He is dumb before the shearer, and opens not his mouth."

I should have added another thing that was unmistakable in the conduct of Littlefield—the conduct ex-



hibited by him when those remains were found. He and his wife were examined here separately—apart from each other. What a field was thus opened to the defendant for detecting untruth and inconsistency, if any existed! It was impossible for them to have imagined what questions would be asked them; and, if there had been anything untrue in their answers, would not have Mrs. Littlefield crossed her husband's track, in a rigorous cross-examination? And yet there is not a particle of conflict.

Then there is another consideration, with which I shall leave this matter. If Mr. Littlefield had anything to do with that body, he had access to that receptacle of the bones from the dissecting-room, and could command an entrance to it; his throwing anything down in it would have excited nobody's suspicions who might be passing through the entry; he understood that lock, and if he had those remains there for any other purpose than for the gross and incredible purpose I have already discussed—of fastening suspicion upon Dr. Webster—he could have deposited them in the dissecting-vault beyond all doubt.

The question is asked, why did not Dr. Webster deposit them in the dissecting-vault? Two satisfactory reasons! You know whether he had access to it. I very much doubt whether he knew where the key was kept, or could have unlocked it, if he did. When you visited the building, gentlemen, you tried that lock, and ascertained for yourselves how difficult it was to unlock it. The other reason is, that he was exposed, while there, at any moment, to observation, from the students, who were passing, day and night, to that dissecting-room.

But all these possible alternatives of what he might have done suggest another consideration; and it covers a large portion of the Counsel's argument, about the folly of the prisoner, if he was really guilty. When you are tracing the history of a criminal you must remember, that, in judging his course, and in weighing his conduct,

your own honest hearts can furnish you with no common standard. What he would do, you cannot easily conceive. We always hear of the folly of a criminal. It is very rare that a great crime is committed without prompting such remarks as, "that he would not be fool enough to have acted so unwisely, so indiscreetly." And the course he takes may be, to the intelligence of the merest child, the extremest folly, when, in his own mind, it is the height of adroitness and art. Crime is foolish; it has always been so, from the beginning; it always will be so, until the end.

One further suggestion, arising out of the proof in this case, may impress your minds, as it has my own. If a man has an object which he wishes to get rid of, the possession of which is fatal to him, or, rather, the world's knowledge of the possession of which would be fatal to him, what is the most obvious thing that occurs to him, as the instrument and agency of destruction? Fire! fire! for that reduces the organised structure to a mass of undistinguishable ashes.

It is not the possession of the thing, but the terrible consequences that will follow from the world's knowledge of that possession, that renders its destruction so difficult and perplexing to him upon whom those consequences will be visited. A narrow line, marked out upon a level floor, may be confidently traversed by a child, without an inclination to either side. But broaden that pathway ten-fold, and let it stretch across a chasm, and the man of the firmest nerves, and the most practised self-command, would no more dare to cross it than he would to

———"O'erwalk a current roaring loud,  
On the unsteadfast footing of a spear."

And so with this learned Professor! When he had that body to dispose of, he had two things to do: one, to destroy the body, and all things pertaining to Dr. Parkman, whether of his remains or his effects; and,

at the same time, he was to avoid suspicion. He was to keep up his natural and customary deportment. He was not to seem to be embarrassed anywhere—he was not to be caught anywhere, or at any moment, off his guard. If a person spoke to him in relation to Dr. Parkman, he was to be in a condition to meet the subject with calmness and self-possession. He was to make it appear that he was at Cambridge at times inconsistent with the destruction of that body.

But, it may be said, that, although this was his obvious course of conduct, if he could so command and control himself, yet, that it was not within the compass of his, or of any man's power, to accomplish it. Gentlemen, you have seen him here, through these two past weeks; you have seen what his deportment has been, during all the solemnity and impressiveness that have marked the progress of this trial; you have seen him, when others were affected to tears—when the Judges upon the bench, the Counsel at the bar, the witness upon the stand, the entire audience throughout this hall, were unable altogether to repress their emotion; you have seen him when his own daughters were upon the stand, and even the hardened heart of a public prosecutor was too much moved to subject them to a cross-examination; through all these scenes, is not he a psychological phenomenon, who, like this prisoner, innocent or guilty, could remain unmoved? Never has he blenched but once—never, but when detection, exposure, discovery, yawned before him. Then, he drooped and fell prostrate, as innocence never did. That prostration continued through all the horrors of that night of his arrest, and the day that followed it. And when reassured, by the visits of his legal friend and adviser, he rose again to the great conflict, and was calm; calm everywhere, at all times, under all circumstances; so long as he had anything to resist, to fight against, this power has been at his command; it has failed him only when fear—the fear of exposure, detection—like the sense of guilt, crushed all

his manhood out of him. "Take any shape but that," he has been able to say, "and my firm nerves shall never tremble."

I now come to state the evidence which attaches to the prisoner, and shows him to have been connected with the murder of Dr. George Parkman. We have waited for an explanation of this evidence, and we have waited in vain. Undoubtedly we repel, as by an instinct, the presumption that such a man as Dr. Webster could commit such a deed. I was not unimpressed with the comments which the Counsel made in view of such a proposition.

His former fair reputation, as shown by the evidence, is admitted. The fact that he held a Professorship in Harvard College is evidence enough of this. And it is honourable to us, that we do hold education in such respect, that, when an educated man, and a man holding a high social position, is charged with a crime, our people—not the educated alone, but the humble, the illiterate—repel at once the probability of its truth.

But, gentlemen, we deceive ourselves. The annals of crime forbid us to indulge this pleasant delusion.

[Counsel here referred to the cases of Eugene Aram, Dr. Dodd, and other murderers of intellectual attainments.]

Reputation is one thing, character is another. A man who could do what is proved by the most incontestable evidence the prisoner has done, cannot come here, and stand before a Jury, and put himself upon his character, and nothing else, without asking them first to obliterate all moral discriminations, and to surrender to a *prejudice* the real convictions that the facts must force upon their minds.

Now, gentlemen, let us come to the consideration of the facts which go to show that Dr. Webster was concerned in the death of Dr. Parkman. I think I have shown hitherto that Dr. Parkman never left that building after he went into that College; that all the evidence



of his having been seen that afternoon is really of no account ; that he could not have been slain by any other person ; that it could not have been done, especially by Mr. Littlefield.

First, let us consider the relation which Dr. Webster bore to Dr. Parkman. I do not know that I care to have a better description of that than was given to you by my learned friend who closed this defence. He expressed it in connection with the proposition, that, if he did commit the act, it was manslaughter, and not murder. He represented him, and I adopt the description so far as it shows Dr. Webster the debtor whom his creditor believed had done him a fraudulent wrong, and that Dr. Parkman was acting upon that belief, in pressing for the payment of his debt.

Dr. Parkman is following him up continually. For what ? Dr. Webster has no money to meet him. What is his condition ? Here is this creditor, inexorable, as he calls him, and as his Counsel echoes—*inflexible*, I think, would have been more just. The cloud over him is broadening and blackening, day by day. What is he exposed to ? The disclosure to the world of his false but fair character ! The exposure of his fraud ! But more, and that which comes nearest home to the bosom of such a man—for I grant you he has strong domestic affections—that all his effects were liable to be seized, at any moment, and his home stripped of that which stood as security for his debts. His household furniture was all that was left. The minerals were already disposed of, and money raised on them to pay his debts. His friends' benevolence and beneficence had been exhausted, and he had no resources left. He was left stripped and bare, to receive the shock, coming upon him from this creditor, whose just indignation he had reason to dread.

Now, gentlemen, what were his financial relations to Dr. Parkman ? Here is a most instructive chapter. Dr. Parkman had held two mortgages :—one to secure the \$400 note, which was given in 1842 ; and another, which secured that note, and another note for \$2432,

which was given in 1847. The mortgage that was given in 1847 covered all his household furniture, all his books, minerals, and other objects of Natural History. That cabinet had been disposed of, so that all that was left to secure this mortgage was the household furniture, and what books he may have had. That \$2432 included the \$400 note.

In 1842, Dr. Parkman had made a loan to Dr. Webster of \$400, and had taken a mortgage.

MR. MERRICK.—There is no evidence of it.

MR. CLIFFORD.—It appears that it was so. He took his note for \$400. In 1847, a loan is made to Webster, of which Dr. Parkman contributes \$500. The whole amount of that loan is \$1600. In addition to that, there is a balance of \$332, which is included as an indebtedness to Dr. Parkman; \$500 contributed, and \$332 which is still due on the \$400 note. Dr. Parkman takes the mortgage for himself, and for all the other contributors, in his own name. Dr. Webster, in the meantime, according to the statement found in his possession, made by his friend, Mr. Cunningham, had paid all Dr. Parkman's portion of that loan, except \$125, which the Doctor, as a mere act of kindness, had given up.

Now, on April 25th, 1849, the actual indebtedness from Dr. Webster to Dr. Parkman was \$456.27. That was made up of three items. The old balance of \$348.83, upon that \$400 note; \$125 of the new loan, and from these is to be deducted \$17.56, which Mr. Cunningham says Dr. Webster has a receipt for. Those are the items; and they are all due at different times. All Dr. Parkman's interest in that \$2432 note is included in the \$456.27. Then Mr. Cunningham tells him,

|                      |            |
|----------------------|------------|
| "You owe Dr. Parkman | \$456.27   |
| Mr. Prescott         | 312.50     |
| Mrs. Prescott        | 125.00     |
| Mr. Nye              | 50.00      |
| Mr. Cunningham       | 25.00      |
|                      | <hr/>      |
|                      | \$968.77." |

Now, do you think that Dr. Parkman, with his habits of business, intended to go to Cambridge and cancel that mortgage? You will remember that I invited the Counsel to explain this. But they stopped their evidence at this point. Now, Dr. Parkman never intended to carry that mortgage to the Medical College, with any such purpose. Other parties had an interest here. He says, on this very note, that the other mortgage of the \$400 note is to be cancelled, when he receives \$832 on the large note. He had received \$375 before Mr. Cunningham made his examination. Then there was a balance due to him, as we have shown, of \$456.27.

CHIEF JUSTICE SHAW.—What was the date of the note of 1847?

MR. CLIFFORD.—It reads as follows:—

“January 22, 1847.

“Value received, I promise to pay to George Parkman, or order, twenty-four hundred and thirty-two dollars, within four years from date, with interest yearly; a quarter of said capital sum being to be paid yearly.

“JOHN W. WEBSTER.

“*Witness* : CHARLES CUNNINGHAM.”

You see that this note is at four years. That reminds me of another thing;—it was not due. “Value received, I promise to pay to George Parkman, or order, twenty-four hundred and thirty-two dollars, *within four years*.” But a quarter of it only was to be paid yearly. If he did expect to get his pay, what would he have done? Would he have given up that note to him, leaving his friends to seek their remedies as they could? Dr. Webster had his statement from Mr. Cunningham in April, 1849. It was a sum without interest. Having obtained these notes from Dr. Parkman—having got these notes into his possession—he is to make up his story; and, in order to do that, he must fix upon the sum he had paid to Dr. Parkman. He did not owe Dr. Parkman \$483.64, on

November 23rd. We prove that by his own documents. He sets down to frame his story ;—and there is the most extraordinary document ever found in the pocket of an honest man. You will remember the interviews he had with Dr. Parkman. On November 9th, Dr. Parkman calls on him. On Monday, the 19th, he calls again, and leaves him with that declaration, “To-morrow something must be done !” The next day, he writes the note. You will find that the Monday night of the interview is entirely ignored. Nothing is said about the Doctor’s going over to Cambridge to see him ; nothing between the 9th and the fatal 23rd. What is the story he prepares ? He tells it twice on the same piece of paper. What is the object of that ? Is a man keeping a journal on such a piece of paper as that ? If he were, it is important. If he is writing an account in consequence of the disappearance of Dr. Parkman, why, he had already communicated it to Dr. Francis Parkman, to Mr. Blake, and others ! But, gentlemen, there is intrinsic evidence that here, on the 23rd, he did not owe Dr. Parkman \$483.64. That was not the sum he owed him. He is to set down and fix that sum. Here is his paper :—

“ Nov. 9th, rec’d \$510  
For Dr. Bigelow 234

---

Pettee, cash \$276.

Dr. Parkman came to the lecture-room—took the front left hand seat.”—Of what importance was that ?—“ Suddenly stopped, came to me, and asked for money. Desired him to wait till Friday, November 23rd ”—thus, you see, stepping over entirely the evening of the 19th—“ as all the tickets were not paid for, but no doubt would be then. A good deal excited ! Went away ! Friday, 23rd, called at his house about nine ; told him, if he would call soon after one, he should have the money. He called soon after one, and I paid him.” Now, there is added to that, at a different time, with different coloured



ink, "\$483.64." There is added, "Said I owed him \$483.64." This would imply that he had fixed upon his story. Here are his own figures; and yet he states that Dr. Parkman says he owed him, on the 9th, \$483.64. Then he says, on the 23rd, after a half month's interest, that he paid him just that sum. Do you think, if Dr. Parkman was standing on points like these with this man—that if he owed him that amount on the 9th, he would not have insisted on the one or two dollars interest which would have accrued on the 23rd?

Then, on the paper which Dr. Webster wrote afterwards, you can see, between his writing these two pages, that he had fixed this amount in this way:

"\$456.27 due April 25th, 1849.  
27.37 interest.

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483.64.

Now, if you will reckon, you will see that that is six per cent., which would carry it over to April 25th, 1850. Do you think that Dr. Webster would have paid a year's interest, when only seven or eight months' was due? But perhaps you will say that he did not do it, and that this amount is made up from other items—from the \$125 and the \$17.56, to which I have already alluded, which was a receipt of money which Dr. Webster had paid Dr. Parkman. But he evidently did do it by casting this year's interest, as we show by his own figures. Now, to say that you are to cast six per cent. on all the above items is palpably wrong, because he had different times for which to compute the interest on the several items. The computation is made of the six per cent. on \$456.27, and it brought him \$483.64.

Now he says, "9th, due Dr. Parkman, \$483.64, by his account. Desired him to wait till Friday, 23rd. Friday, one and a half, paid. He to clear mortgage," and the other matters, which are not material.

Here is found in his wallet a little piece of paper bearing

the figures \$483.64, and another little piece which had reference to something else—"Jug—keys—tin box—solder!" I do not care to go into that. Why is this memorandum of \$483.64 put into his pocket and carried about? It is evident that it is all a falsehood. But it is a fiction which concerns his reputation—which concerns everything near to him—that he should be consistent in; and it would not do for him to change it. Lest he should omit, by some slip of the tongue, giving the right amount, he carefully puts down \$483.64, and puts it into his wallet; and carried this, a double version of the affair, omitting two interviews, making a rate of interest which did not exist! And then, gentlemen, what is more important than all, there is found, through the letter written to his daughter, "Tell mamma not to open the little bundle which I gave her the other day, but to keep it,"—a bundle that turns out to be these two notes. And yet, from beginning to end, he represents Dr. Parkman as taking that money from him, turning suddenly round, and dashing his pen through the signature. He says not a word about two notes, expressly confining his statement to one piece of paper. And yet, here are found in his possession two notes, bearing those marks, which, if made by Dr. Parkman, must have required those dashes to have been made, as it is proved neither one of them was made by a pen. That is placed beyond question, by the uncontradicted testimony of experts. You will have an opportunity to see how it might have been done, by a peculiar instrument found on his premises. But, at all events, he has falsified; and it is not the most serious thing about which he has falsified.

I proceed now to consider the proposition that Dr. Webster has falsified, notwithstanding all his declarations; and you will judge how consistent those declarations are, when you consider the statements he made to James H. Blake, to Mr. Littlefield, and to Dr. Parkman, on Sunday, in connection with the statement to Mr. Thomson, his own witness. This last-named witness has testified

that Dr. Webster told him there were two persons present when he paid the money; and he now states that he thinks he was told there were two persons present, though he is not quite certain that this was the statement—but that there were two persons, one of whom was the janitor, who had just left. Now, either of these statements was untrue.

Then the statement he made to Mr. S. P. Blake, about his entrusting the mortgage to Dr. Parkman, to carry it over to Cambridge to cancel it, is untrue. Dr. Parkman would never have attempted to cancel that mortgage, involving as it did the interests of other parties. Then, take all the circumstances under which he states that Dr. Parkman received that money, and went out from that building with the bills in his hands;—I put it to you to say whether that representation was true.

I now come to a more serious matter still. I say to you, that, from the evidence in this case, he told the toll-gatherer that he had paid Dr. Parkman, when he had not paid him. Take the deposits in the Charles River Bank, and the manner in which they were drawn out, and compare them, with the account which Mr. Pettee rendered here, as the collecting agent of Dr. Webster, of the times he paid him money.

Where could he have obtained the money to pay this? Take these representations, and take the evidence before you, and then ask from what source he derived that money, and you have the great, overshadowing falsehood, which goes to the root of this whole case. This prisoner, and his Counsel, have never been unmindful of the great importance of showing where he got the money to pay that \$483.64 to Dr. Parkman.

Let me say, that for four months he has had at his command the entire treasury of this Commonwealth, to summon here every witness from whom he had received a dollar.

Every student that attended his lectures might have been summoned. Every one who has paid to Mr. Pettee,

or anybody else, could have come upon that stand, and shown us, to a mathematical demonstration, how much he has paid, and to whom. Gentlemen, not a dollar is shown!

By the comparison of these two accounts—of the deposits in the Charles River Bank, and of the payments made to Mr. Pettee—you find a perfect coincidence, with a single exception. On November 14th, Mr. Pettee paid him \$195, and on the next day he deposited \$150. And now the suggestion is, that he took out a \$100 bill, of the New England Bank, and substituted other smaller bills for it; that he took out the \$45; and that he was gradually hoarding up the sums to pay this note. This is too transparent a fallacy to put to the intelligence of the Jury.

We come to the unhappy conviction, that, if there is anything proved here, it is that Dr. Webster had no money to pay to Dr. Parkman; that he was compelled to prepare his statement and his story, and he did it in the manner I have stated to you.

Then, that interview with Mr. Pettee. What does it indicate? Why, gentlemen, it was an accidental interview. Mr. Pettee states to you that he communicated no message. He calls there at nine o'clock on that fatal morning; and what does Dr. Webster try to impress upon his mind? Why, he tells him that audacious falsehood, that Dr. Parkman was a peculiar man—subject to aberration of mind—that he had placed his business out of his hands, and put it into the hands of Mr. Blake. “But,” said he, “you will have no more trouble with Dr. Parkman. *I have settled with him.*” That was after he had made an appointment with him to go into the Medical College, where, separate and surrounded and walled in from all the rest of the building, his own apartments were, as Dr. Holmes testifies. And is there not a strange inconsistency in the story that he went to Dr. Parkman’s to have a settlement with him? Why not have paid him there? Is there a particle of evidence



that he was in a better condition to pay him at half-past one than at nine o'clock? Did not Dr. Parkman do business at his own house? If he had the money, he would have said, "Thank God, I will get rid of this creditor now!" What evidence is there that he received this money between nine o'clock and half-past one o'clock? Whoever there was who paid him in that brief interval, they have had the resources of this Government to bring here upon that stand and enlighten you; and believe me, nothing which they could do has been left undone.

If he did not pay Dr. Parkman—and that he did not, is apparent from all these facts, and perhaps as strongly from this fact as all others, that Dr. Parkman never would have given up that note or cancelled that mortgage, which involved the interest of other parties—never in the world!—if he did not pay the money—if he did not have the money to pay with—then how did he get those notes? You will find a little memorandum on one of them, that it was paid November 22nd, 1849. Was that the first thought, corrected by an after-thought, that Dr. Parkman might have shown these notes to Mr. Kingsley, or Mr. Shaw, or somebody, on Friday morning; and therefore that it would be fatal to him to have it understood that he paid him then? Was it prompted, in the first instance, by the fact that at nine o'clock he had told Mr. Pettee "he *had* settled with him"? Dr. Webster did write, in his own hand-writing, "\$483.64 balance paid November 22nd, 1849."

Then, gentlemen, the whole thing is changed. The story was prepared, as I have already told you—evidenced by the documents found in his possession—evidenced by the documents which he attempted to conceal. You remember he impressed upon his wife, to keep the bundle, and not to open it. I ask again, if he did not pay those notes, how came those notes in his possession? What becomes of all these contradictory and inconsistent theories, that Dr. Parkman was murdered by somebody

else, or elsewhere? I put it to your intelligence;—answer that.

I am reminded, gentlemen—and it is a fact that I should not forget, for it is pregnant with importance—that on that Friday morning Dr. Webster did receive from Mr. Pettee a check for \$90 of the proceeds of the tickets—the source from which he said he would pay Dr. Parkman, and from which he afterwards said he had paid Dr. Parkman. And yet we find, from the books of the bank, that this identical check for \$90 was deposited by him, on the next day, in the Charles River Bank. I leave here all this matter of finance, with this exposition of the significant truth thus developed by their financial relations.

What was the condition of things in that laboratory when those remains were found? There are some things which I should do great injustice to this case to overlook. In the lavatory vault, with the remains, there were found certain towels, which were produced here. I especially call your attention to the fact, that some of these smaller towels were marked “W.” One of them was in that laboratory, and in his upper room, on the very morning of that Friday when this fatal interview with Dr. Parkman took place.

Then, gentlemen, that knife, found in the tea-chest! Why, the Counsel for the defence overlooked, in their comments upon this, the important fact, which they themselves had put into this case, by the cross-examination of one of the Government witnesses, that, on November 17th, that knife was over at Cambridge, and afterwards, between the 17th and 23rd, was brought over to the Medical College. Now it is said that that is evidence of design to fasten suspicion upon Dr. Webster, in connection with the remains; and that the minerals, which were not entirely covering the tan, on Tuesday, when Kingsley saw the fire and tea-chest, were not put there by Dr. Webster. The very fact of that search, that Mr. Kingsley’s attention was called to that—would it not

prompt him to have piled on more minerals, and was not that done, evidently? And the knife was found there. It had been in his possession. And who, pray tell me, if I have not utterly failed in making myself understood, who could have done this, but Dr. Webster himself? And, gentlemen, it may very well be said, that, if that hammer, the disappearance of which is one of the marked facts in this case, had been got rid of, he might also have been equally anxious to be rid of the knife.

The yataghan was there—a murderous-looking instrument—recently cleaned. As you will see, it is enough for me to say that here were murderous instruments connected with him, and with no other human being.

Why, too, did he have that tan sent over here in that suspicious way? Why not let Mr. Sawin have admission to his laboratory, as he had done two hundred times a year before, as he swears to you? It is an anti-putrescent, and would stifle odour. And what is most significant, although Mr. Sawin brought over for him two empty boxes, the fagots, and the bag of tan, the bag of tan was taken into the laboratory by Dr. Webster, and the others left outside! If anybody else had done this, after his direction to Sawin to leave them all outside the door, would not Dr. Webster's eye have discovered it? There were charcoal, anthracite coal, and pitch-pine kindlings, which disappeared in considerable quantities, during that week. The process was slow; and I will tell you why it was slow. He had those clothes to get rid of. The minutest circumstances are sometimes most important. The report of the physicians shows that there was among the remains a shirt-button; and if he separated the body from the clothes, remember that he had the clothes to get rid of as well as the flesh, thus accounting for the time expended. Then the blood upon the pantaloons and the slippers! These were treated of in a very summary way by the Counsel, as being of no consequence. I submit whether they are, or not. If they were drops of blood falling from above, then I agree that

it must have had much less weight than it will have, as the facts are shown by the testimony of Dr. Wyman, that it was probably spattered from beneath.

And then those stains upon the stairs! They were there when Littlefield saw them, tasted, and found them acid. His testimony is abundantly corroborated by Dr. Wyman, who says that they were fresh. Kingsley saw them also. It turns out that they were nitrate of copper; and I defy any man to look upon them, as you have looked at them, and believe that they have not been thrown there by design, spattered, as they were, up against the perpendicular sides of the stairs. It is proved that they were fresh. And they are shown to be among the most efficient agents for removing the characteristic signs of blood. Dr. Wyman tells you water is as good for this purpose as anything. Water was used most freely. The party had succeeded in removing all other traces. That which confessedly *was* done would have been more difficult than the removal of the traces of blood, if traces of blood there were. If the mortal wound did produce an external effusion of blood, to the extent that would seem to be implied by the course of argument on the other side—which by no means appears from the testimony, as a man may be stabbed in the region of the heart, and all the effusion, or almost all of it, be within the chest—here were the means of removing blood.

Those skeleton keys! Did he state truly where they came from, or was there a connection between them and this transaction? Was the filing done by himself?—for, remember, they were filed. And is it a probable fact that the keys that would open the dissecting-room were picked up by him in the street, and carelessly thrown into that drawer? We cannot trace the course of such a man's inexplicable conduct, any more than you can trace the course of the serpent upon the rock. But there are signs and indications which will not be lost upon intelligent men.



Then we find that, in his private room, there were grapples, made from fish-hooks, which had been purchased on the previous Tuesday ; and when you take the whole testimony in relation to them, you find that the first grapple was made of three hooks. You will find that they had been used ; that oxidation had commenced upon them—one of them had become quite rusty. Then one was made of two hooks ; then one of but one. Then he goes and purchases, on Friday, smaller hooks. All the time flitting between the College and Cambridge, to keep up his *alibi* !—and then you will determine for yourselves whether importance is to be given to this fact of the fish-hooks.

You find, around the thigh of these remains, a piece of twine, which Counsel have treated in a contemptuous manner, by saying, if there had been a ball of twine, he would have been as likely to have taken that as he would to have been there ;—overlooking the fact that that twine was not found down in that laboratory, but in the private room of Dr. Webster, to which he alone had access, and in his private drawer.

But I come to what is of more importance than any other fact connected with the condition of things in that laboratory. Dr. Webster, gentlemen, carried in his pocket the key of that lavatory, in the vault of which were found those remains ! That is a fact in this case which has not been alluded to by his Counsel. Gentlemen, I ask you to look at that key, and ask yourselves the question, whether a gentleman, a man of culture, would be likely to carry around in his pocket so cumbersome a key as that, which he could, by no possibility, for any honest purpose, use anywhere else ?

Now, what was his conduct and his whereabouts through that week ? In the first place, he was locked into his laboratory, at unusual times, during a week of official leisure. Has he shown, or attempted to show, that he was engaged in anything which required his presence there ?

The water was running. No fires were wanted ; and yet, it is here in evidence, unimpeached and unimpeachable, that fires were kept up during that week, more intense than were ever kept there before, and in places where no fire was ever kept before.

Gentlemen, when was he there ? I have already stated to you, and to the Court, that, upon a critical examination of the testimony of his three daughters, there is a most significant and remarkable corroboration of the testimony of Littlefield. He was there on Friday afternoon. What was he doing there ? Where did he dine ? On Saturday morning, you have no trace of him. From Saturday morning at one o'clock, until Saturday in the afternoon at one o'clock—have you any assurance where he was during that interval ? Is not the argument just and fair, that he had come over, in one of those flittings of his, from Cambridge to the Medical College ? Nobody else had a key to the building but himself and Dr. Leigh ; and there is no pretence that Dr. Leigh was there. That door was left bolted at night, and was found left unbolted in the morning.

In the course of that forenoon, on Saturday, when Littlefield went in to build his fire, and was about to proceed down the laboratory stairs, he received, for the first time in his life, the peremptory order—" Mr. Littlefield, go out the other way." He went out as he came in. On Sunday, he was there. Then he had those interviews of which I have spoken, and upon which I do not care to dwell. In his interview with Mr. James Blake, his story was prepared ; and you have been asked, with great significance, " If he were a guilty man, why should he come to communicate that interview ; for nobody would have known it, if he had not ? " If nobody was to know it, why does he have the notes ? How did he know but that they had been exhibited to Dr. Francis Parkman on that very Friday morning ? The fact that he communicated his interview is explicable on other grounds also. How could he know but that he would be

remembered, on that morning, by the servant? And what a fatal fact, if he kept it to himself, if it should turn out afterwards that he was recognised!

But suppose he had been perfectly sincere, and had wanted simply to communicate with this family the fact of the interview; then I submit to you, considering the relations between him and the Rev. Dr. Parkman, he would not, at least, have slept that night without sending a note to relieve the agony of that family. But he waits till Sunday, and is dissuaded from going in the morning, in order to go to church.

He had an early dinner on Sunday, in order that he might go over and communicate with Rev. Dr. Parkman. But he does not visit him till he had spent some time at the College. He does not get to Dr. Parkman's house till four o'clock in the afternoon; and then he makes a communication, the object of which seems to be, to impress on Dr. Parkman's mind just two things—one, that he had paid money to his brother. He was never to appear. These notes would be traced. He must show that he had paid them. The other, that his brother was in a strange condition, and that he rushed out in a hurry, indicating a disordered mind; and that concluded all that cold, business-like, unsympathising interview with the family of his own pastor, and the pastor of his children.

Then, on Monday, that striking interview with Mr. Samuel P. Blake, when he braced himself up to answer questions! It is commented upon by the Counsel, that he was too warm in his interview with one, and too cool in his interview with the other. But both are consistent with the theory I have suggested.

I come now to another subject. Mr. Blake said he (Dr. Webster) told him enough to make him believe that Dr. Parkman took that mortgage from him, although we find that very mortgage in Dr. Parkman's house. We find an interview with Fuller and Thompson on Sunday night. Mr. Thompson did not observe what

Fuller did, and Fuller did not hear what Thompson did. They are to be taken together. Mr. Fuller witnessed the agitation of Dr. Webster; Mr. Thompson heard, by statement, of his interview with Dr. Parkman.

This is all evidence. And the statements that either two persons were present when he paid the money, or two persons, one of whom was the janitor, had just left, were both fabrications. On Tuesday, he wanted no fires—his lecture would not bear the heat. Is it true, that, with the knowledge of this fact, the Counsel can turn round and say that the Counsel for the Government have not shown that it would bear it? Dr. Webster could show, by the students, what his lecture was that day; and then the chemists here could tell whether it was a matter to bear heat or not. This is for him, and not for the Government, to show.

Then, Clapp's search! It amounts to nothing, except the leading away from the lavatory, and opening of another door, through which Dr. Webster led them. Mr. Kingsley saw a fire in the assay furnace on that Tuesday. That fire was burning, and Dr. Webster was there, and the tea-chest was there, also—the tan and the minerals in it—on that day. Then, gentlemen, he gives that turkey to Mr. Littlefield! If there was an attempt at conciliation, it was not an attempt of Littlefield's, but of Dr. Webster, so far as it amounted to anything. And is it consistent with the fact, that he stated that he had such a horror of this man? If you believe Mr. Littlefield, on Wednesday, Dr. Webster was at that furnace. He was away from home, by the testimony of his own daughters. Fire was burning. He locked up everything fast—covered up this fire in the furnace, and left it to burn and smoulder away.

Then, his other object, that of keeping up the *alibi*, was to be attended to. He was at home at dinner on Tuesday; but he came into town on the afternoon. For what purpose? So far as it appears, to give Mr. Littlefield this turkey! Nothing else!



On Thursday, Thanksgiving Day, he was at home after eleven o'clock. On Friday, in the morning, at eight o'clock, he was at home. At nine o'clock, on that morning, he was at Mr. Waterman's shop, ordering the tin box. It is said, by one of his daughters, that they were in the habit of sending plants to Fayal. If that had been the purpose of this box, never needed before, would it have required the strong handle? If, too, plants were to be sent in it, would it have been soldered up tight? Who ever heard of sending across the water live plants in a box so soldered up as to exclude the moisture and the air?

More decisive than this, his daughter tells you that she does not know as there was any intention of sending plants at that time, and Mr. Waterman tells you he never made such a box for him before. But that interview with Mr. Waterman is very significant. "Dr. Parkman," he says, very energetically, "did go to Cambridge"; and then he tells the story about a man's having seen, in a mesmeric state, a cab, the number of which was obtained, in which Dr. Parkman was carried off, and blood was found in it!

I do not know how it strikes your minds; but that a teacher in Harvard College should be here, in the city of Boston, in the shop of a mechanic, trying to impress upon this man the truth of such a story as that, strikes me as singular. He followed up that day, telling that same story to Mr. Littlefield and his wife. Then, in the course of that day, he buys the fish-hooks, and, in the afternoon, goes over to Mrs. Coleman's, and has that striking interview with her. What was he trying to ascertain from her, or to make her say? Why, that Dr. Parkman was seen by her on Friday! "Are you sure it was not on Friday?" And even after she had given him reasons, and even after he goes to the door, he repeats the question—"Are you sure it was not on Friday?"—trying to impress her with that idea.

Then, that night, in that week, or some one of the

nights in that week, without his family, upon the evidence of Mr. Sanderson, the watchman, he went out in the late omnibus, between eleven and twelve o'clock.

I have thus traced him, and shown that he did all that was competent for him to do ; that he went to Mr. Treadwell's, not by invitation, but a casual call ; that he played whist, which is all consistent with his subsequent conduct, and with that which he has shown here. It required nerve. He has it, and enough of it ; excepting, and only excepting, when fear fell upon him, and the dread of impending exposure made him afraid.

Gentlemen, I have but a word to say in relation to these anonymous letters. If a mechanic should come and tell me, as a lawyer, that such a thing could be, and such a thing could not be, and it was exclusively within the province of his art—if I believed him to be an honest man, I should defer to him. If a ship-master should come upon the stand, and undertake to tell me, as a lawyer, that, under certain states of the wind, and of the ship, such a result would happen, I should believe him, because he has experience, and is competent to instruct me.

And, when a man comes and says, that, having had fifty years' experience in the examination of hand-writing, that he has no doubt, and that is confirmed by the testimony of another witness, who also has no doubt, that it was written by Dr. Webster, then it is entitled to consideration. That letter is written by a man accustomed to composition. It is signed "Civis," the Latin word for "Citizen." It was written by a man who had some knowledge of the Latin tongue. Who would be likely, in a matter so interesting to the public, to have undertaken to communicate with the City Marshal under an anonymous signature ? If it were Dr. Webster, and he was innocent, would he not have done it personally, making such suggestions as he considered important ? Then, other letters are not testified to so positively, namely, the "Dart" and what I have called the "Sanscrit"

letter. But you will find that the latter is written on a fine, delicate note-paper. It was not written with a pen. That there was an instrument found in Dr. Webster's laboratory, which is fitted to make this, is proved; and that instrument is such an instrument as might have made those erasures upon the notes, which were not made with a pen. But I submit this part of the case to your judgment, without pressing it upon you.

Gentlemen, I do not know but that I have said almost all that is necessary for me to say, with regard to Professor Webster's conduct, prior to his arrest. I now propose to add a single word, respecting his conduct afterwards. I have spoken of his meeting Mr. Littlefield. He had spoken to Mr. Starkweather of Mr. Littlefield, before he met him face to face—but that conversation with Starkweather is too important not to have your attention called to it for a single moment. Here is a man, certainly, of intellectual culture—of a certain degree of self-discipline, such as you would expect to find in an educated man. He is called upon, at his own house, after his own premises have been searched for the missing body of one whose disappearance has excited the entire community. He is waited upon by three police officers. They say they wish to make a further search of his premises. He makes no objections. He calls their attention to the fact, that Mrs. Bent had seen Dr. Parkman. He knew that story. Did it impress his mind that nothing was discovered? Did he suggest this in the hope that, on going to Mrs. Bent with these police officers, she might modify her statement? They stop at the Leverett-street Gaol. Mr. Clapp goes in, and, upon returning, requests them to get out. He, submissively, and without inquiry, follows them into the prison. Who is Dr. Webster?—and who are they? He, a Professor of Harvard College! and they, police officers of the city of Boston! He follows them, and not till they reach the inner office of the gaol, does he ask what it means. Mr. Clapp replied, not that Dr. Parkman's body was found, but, "Dr.

Webster, you remember I called your attention to the soundings which have been made above and below the bridge. We have been sounding about the Medical College; we have been looking for the body of Dr. Parkman. We shall look for it no more; and you are now in custody, charged with the murder of Dr. Parkman. He articulated half a sentence," continued Mr. Clapp—"I could not understand it; and then he said, 'I wish you would send over to my family.' I told him they would better not learn it till morning. He seemed inclined to speak a word or two, and I told him he had better not say anything about it."

What was his conversation, when he was left alone there with Mr. Starkweather? And remember, that, not even in the cross-examination, was it attempted to be shown that this conversation was not reported exactly as it was taken down. The appeal is then made to you, to consider him as an irresponsible person—that he was in no condition to know what he was about, and that you ought not to regard his declarations any more than you would those of a raving maniac.

He had intelligence and malevolence enough to endeavour, then and there, to make a causeless accusation against an honest, though a humble, man. He did make inquiries, and, from that time, he was master of himself. He says to Mr. Starkweather, "You might tell me something about it." Immediately after Mr. Clapp and Mr. Spurr went out, he asked for water. A pitcher was brought, and he drank several times. "He asked, 'if they had found him.' I told him not to ask any questions, for it was not proper for me to answer them." No man ever had more consideration, from Mr. Parker down to Mr. Starkweather, than Dr. Webster had that night. He was expressly cautioned. He said, "You might tell me something about it—where did they find him? *Did they find the whole of the body?*" I ask you, if, with the knowledge this prisoner had, that they had been sounding about that Medical College,



and should look no more for the body, what prompted that inquiry—" *Did they find the whole of the body ?* "

Gentlemen, I ask you to put yourselves in the condition in which Dr. Webster was that night, being an innocent man. A tipstaff has put his hand upon your shoulder, and you are taken into custody ; and the body, he says, of a murdered man is no longer to be searched for, because they have been searching enough, and you are arrested as his murderer. Now, what would prompt you to put such a question as that, not knowing that the body was cut up—" *Did they find the whole of the body ?* " There out-spoke the guilty conscience, showing a knowledge that the body of Dr. Parkman was not an entirety, but separated into fragments. " I then asked him, if anybody had access to his private rooms but himself." " Nobody, but the porter, who makes the fires ! " Next a pause ! Then he says, " That villain ! I am a ruined man ! " He then put his hand into his pocket, and *took something*—and then he had those violent spasms, and the other symptoms that followed through that night ; and, in the presence of Mr. Cummings, the turnkey, while tossing upon his bed, unconsciously comes out from him that confession, " I expected this ! "

Now trace him down to the Medical College. He has had no information that the body had been found. Mr. Clapp told him simply that they should search no more. When he had reached the College, and when they were searching the private room, where they can find nothing, then he is calm. But when they got down to the laboratory, and it was discovered that the remains were found in the lavatory-vault, then came that spasm again. And, if you believe what the witnesses testify to, the sweat streamed out upon him, though he was complaining of cold—that his pantaloons were saturated, and his coat moistened with perspiration !

I ask you, if this man, who has gone calmly through, innocent or guilty, more than any man I ever knew—whether you can believe that that was the mere prostration of an innocent man, or whether it was the guilty conscience

that drew the sweat of that mortal agony out of him? When he found that there was nothing discovered but these remains in the vault, upon which were no marks of identity, and which he did not see nearer than nine feet, he says, "Why did they not ask Littlefield?" "They took me down there, and asked no questions." And he comes here with no declarations, of that fearful night, which had been extorted from him by inquiries. All that comes here is the voluntary, unconscious confession of mute nature in the man.

Now, I have but one other fact to comment upon, and I will relieve your patience. On Saturday, he remains in this condition. Mr. Andrews states to you that he went in there in the morning, and then he made that cruel accusation against Littlefield, although he said—not as the Counsel put it to you, but in his own language—"That is no more Dr. Parkman's body than it is my body; but how in the name of Heaven it came there, I do not know." This is his defence; and it is expected that this asseveration, which is no more than his plea of not guilty, is to outweigh the proof!

Gentlemen, was he in that condition when he could have made an inquiry, at any time? Can you conceive of any innocent man, going along through twenty-four hours, nearly—for it was followed up during that day—and being perfectly mute, making no inquiry. The only thing was, to ascertain from Starkweather what he could not tell him with propriety. And from that hour in which the remains were found, not a word escaped him, in regard to the matter. He continued there till the Police Court, on Monday. He says, "I will go to prison; I will let my family suffer the torture of suspense; I will let my name be blighted by the prejudgment of the world; I will not even ask them what their evidence is." Then he returns to that prison, and there he writes the letter containing this sentence:

"Tell mamma *not to open* the little bundle I gave her the other day, but to keep it just as she received it."

Gentlemen, you have that letter. Here is a man of

education—here is a man who has lived all his days under the influences of cultivated, social, and domestic associations—here is a man, a Professor in a Christian University, whose motto is, “Christ and the Church!” He is in the cell of a prison, as he was described by his Counsel, and he sits down under this terrible accusation—an accusation that he has been guilty of a crime at which the universal heart of the world revolts! And, gentlemen, he is the victim of a conspiracy, which has fabricated that accusation against him. He sits down to write to his daughter, to ask his wife to conceal that, which, when this note was read, and the officers went there, turned out to be the two notes, and that statement of the indebtedness of himself to Dr. Parkman!

Have you any doubt, from all this evidence, that Dr. Webster had an agency in the death of Dr. Parkman? Can you doubt it for a moment? It is not a possible doubt that will shield you from your responsibilities—it must be a reasonable doubt. And it is for you to say, upon all this evidence, whether you do entertain that reasonable doubt which is recognised by the law, and which, extended beyond its fair meaning, would leave society at the mercy of the passionate, the lawless, and the depraved.

Gentlemen, you have had appeals to you, on behalf of the prisoner’s family, both in the opening of the Counsel, and in the closing argument. God forbid that we should forget them, though he did! We will remember them better than he remembered the family of Littlefield, whom he could gratuitously charge with being the author of a homicide, or a conspiracy, which was worse; and more than he thought of the family of Dr. Parkman, when he was endeavouring to impress upon Mr. Pettee, by a gross and audacious falsehood, that Dr. Parkman had been insane.

There is another family we are not to forget. That wife, whose partner and protector has been suddenly removed from her companionship; that invalid daughter,

on whom his last thoughts were most probably centred, as was indicated by the purchase of that delicacy for her on Friday, that daughter to whom his kind and paternal presence made up the daily sunshine of her weary hours, but to whom, in his assiduous kindness, he will never come again; and that only son, who was compelled to hear, in a foreign land, the heart-crushing intelligence that he should see his father's face no more; and who comes home to enter upon the large responsibilities which his father's death devolves upon him, without parental guidance and counsel!

The family of the prisoner are not to be forgotten. Our hearts bleed for them now; but it is one of the great providential penalties of sin, that the innocent must suffer with and for the guilty. In the official experience which has been common to my learned friend and myself, we have often seen the mother, the sister, heart-broken, appealing for mercy for some sinning, erring son or brother. Gentlemen, it is so everywhere; and no man can transgress the laws of God, without involving others in the suffering that must follow. But is that a reason why we should fail to do our duty, compassionately, it is true, but resolutely and firmly, like men?

I do feel, gentlemen, that upon twelve men here is resting a higher responsibility than ever rested on twelve men in Massachusetts before. Remember that we have had here, through these long and weary days, those whose labours will carry this trial, and all this mass of proof, unanswered by any explanations on the part of the defendant, into all lands, to be read in all languages, and to be read, gentlemen, as a memorial of you among all men—a testimonial of the degree of inflexibility and firmness which you shall have exhibited, in upholding, paramount and supreme, the law under which human life has claimed and enjoyed protection, in this Commonwealth of Massachusetts, since its foundation by the Pilgrims!

[At this stage of the proceedings, Chief Justice Shaw addressed the prisoner as follows:—]



Before committing this cause to the Jury, if you have anything to say, you may address the Jury, making any statement that you think fit, and which you think necessary for your defence. I ought to inform you, also, that this is a privilege granted to you, which you may use or not, at your own discretion.

[STATEMENT BY THE PRISONER]

PROFESSOR J. W. WEBSTER.—I feel indebted to your Honour for this kind permission. I cannot go into an explanation of the network of circumstances which has been woven around me, and which, in nine cases out of ten would require many hours to unravel, though, to probably nine-tenths of them, I could give a satisfactory explanation.

On all the points, testimony had been placed in the hands of the Counsel; and my innocence would have been firmly established, if it had been produced. But, acting entirely under their guidance, I have sealed my lips, and, from the first moment, I have trusted entirely to them. They have not seen fit to bring forward the evidence on a great variety of subjects, which, therefore, have been brought to bear, with consummate ingenuity, against me. I trust they will not be considered against me by the Jury.

I will allude to one or two of the subjects which have been unexplained. I doubt whether the letter written by me, from the gaol, to my daughter, and which has been read, was the first, because there were two or three long letters which I wrote about that time. The inference, from the sentence in that letter, which led to the examination of my private papers by the police, was different, very different, from what was intended by me. The explanation of that sentence is as follows. I had read, in one of the daily prints, which were distributed in the prison, some of the various fabrications which were made respecting me; and one of them which I saw was, that I

had purchased a quantity of oxalic acid. It immediately occurred to me that the very parcel referred to was saved, and could be produced. For several days, Mrs. Webster had reminded me of a want of citric acid, and laughed at me when I returned home for forgetting to obtain it.

On the very day of my arrest, I stopped at Mr. Thayer's Apothecary establishment, in Bowdoin-square, conversed about half an hour, on various topics, and purchased the citric acid. I carried it home, and placed it in my wife's hands, saying, "There is your acid." I knew that the possession of the acid would show that it was not oxalic; and hence the request about the bundle—not to open, but to keep it—had no connection with the papers.

Mr. Charles Cunningham was at my house when the officers came there to examine. They broke open a trunk, examined it, and left. Afterwards, Mr. Cunningham opened that trunk, and, in looking over the papers, found the notes laying there; and thinking they had been overlooked, and that the officers might come again, laid them in sight, and made a memorandum of it, in the presence of a witness.

Then, with regard to Mr. Thompson! I conversed with him on this very point of aberration of mind, and also asked him if Dr. Parkman had in his hand, when he saw him, this very bunch of lettuce; and I think he added, that he had a bundle.

In regard to the nitrate of copper—either the lecture preceding my arrest, or the one preceding that, I had occasion to show the experiments of changes of colour in gases. I prepared a large quantity of the nitric oxide gas. In a two-gallon jar, were placed nitric acid and bits of copper. Nitric oxide gas is thereby produced. After standing a few hours, it becomes colourless; and, during the lecture, by the admission of oxygen gas, it becomes of a bright orange colour, the gas being changed, by this experiment, into nitrous acid. Blood, by the admission of oxygen gas, is changed from dark venous blood to florid red. And so I might go on, and show how

these circumstances which have been testified to have occurred.

My very calmness has been brought against me. My trust has been in my God! I have been advised by my Counsel to remain as calm as possible.

That money paid Dr. Parkman I had positively laid by, from day to day, in this little trunk, and, unfortunately, no one can be produced who saw me pay it. Several years ago, I had been in the habit of having students in my laboratory, but, for a number of years, I have prepared everything with my own hands. The reasons why I excluded anyone from my laboratory are obvious. I will not allude to them.

This will serve to give the Jury an idea of the perversions, as I must call them, which have been brought forward in this case.

Every day, from the Friday of the disappearance, to the following Friday, I never was absent from my home after nine o'clock at night; and, as to being seen by Mr. Sanderson, it is altogether a mistake. I was at home every night. In regard to where I dined on Friday, I would say that about three o'clock I went toward the omnibus office, to go out, but stopped in at Brigham's, and took a mutton chop. From there I went to Kidder's, and from thence to the omnibus office.

But accident put it into my power to show that I had been at one place on Wednesday evening. Having occasion to make a little present, I went to Munroe's book-store, and bought Humboldt's late work. I took that book with me, stopped again at Brigham's, and thence went to Mr. Cunningham's. On my arrival, I found that I had forgotten my book. They went to Brigham's, and found the book; but, unfortunately, on the other occasion, I cannot prove the fact; and so it has been with the greater number of other circumstances. I will not detain the Court by detailing them.

If the Court will allow me to say one word more—I have felt more distressed by the production of these various

anonymous letters, I had almost said, than by anything else. And I call my God to witness, while I positively declare, I never wrote them! Since my trial, my Counsel has received, on this day, a letter from this very "Civis"; and if he is present, and has a spark of humanity, I call upon him to come forward, and acknowledge it!

### [CHARGE TO THE JURY]

CHIEF JUSTICE SHAW.—*Gentlemen of the Jury :*

It is with the deepest sense of the responsibilities which devolve upon me, that I rise to address you upon the most important and interesting subject that can be called to the attention of a Jury.

But this case has continued so long, it has been brought now to such a crisis—the whole of the evidence, and the whole argument, being before you—that we feel unwilling, notwithstanding the lateness of the hour, painful, responsible, laborious, as it is, not to go on with the cause, that you may proceed to consider of your verdict.

For this purpose, not because it is not important, but on account of the peculiar circumstances, I shall be more brief than I should otherwise be. But it is, after all, mainly a question of evidence. The principles of law, for which the Court are responsible, are few, plain, and simple. I shall be able to state them briefly; and it will be my duty to consider the rules of law, rather than make an examination of the evidence itself.

[The Chief Justice gave definitions of various points of law.]

This, gentlemen, is a case in which a person suddenly disappears; in which evidence has been laid before you, to show that he was deprived of life at or about a particular time, under such circumstances as to lead to a strong belief that some person or other had done the act which led to this result.

Now, this is to be proved by circumstantial evidence.



Circumstantial evidence may be of such a nature as to warrant a conclusive belief that somebody did it; and it would be injurious to the best interests of society, to have it so ordered that circumstantial proof cannot avail.

In a case of circumstantial evidence, no person having witnessed the fact, you arrive at it by a series of other facts, which, by long experience, we have so associated with the fact in question, that they lead to a conclusion as direct, as positive, as satisfactory, as if it was derived from positive proof itself. Circumstantial evidence is founded on experience, and obvious facts and coincidences, establishing a connection between the known and proved facts, and the facts sought to be proved.

It must be a fair and natural inference, not a forced or an artificial one.

For this purpose, therefore, each fact which is necessary to the conclusion must be distinctly proved. It is not, therefore, that you may offer partial proof of a variety of facts, and then ask the Jury to draw an inference from them. Each fact must be proved, as I have said; that is, each fact necessary to the conclusion.

It does sometimes happen, as it does in the present case, that facts are offered in evidence, not because they are necessary to the conclusion, but to show that they are consistent with it, and not repugnant to it.

If the proof of one of these facts fails, it does not destroy the chain of facts; it fails only to give them that particular corroboration.

Suppose, for instance, there is proof here, which goes to show that the teeth found in the furnace were the identical teeth belonging to Dr. Parkman, as examined a fortnight before, and actually seen by one person the day before his disappearance. This has a tendency to prove that he was the person. The first great fact to be proved being what is called the *corpus delicti*, the body of the crime;—ordinarily, it is to prove that the crime has been committed.

Now, suppose, at the same time, there is other evidence

in the case, of a less conclusive nature—for instance, the shape, size, height of these various parts, when put together, which would naturally conform to the body sought. Now, this latter view would fall short of being a conclusive circumstance, because the same height, and the same other indications, might not be so indicative of the individual. They go to corroborate the first evidence thus far, that they are consistent with it; and a great part of the evidence is resorted to, not because each of these particular facts is necessary to establish the main conclusion, but because they go to show that the circumstances are not such as to be repugnant to or inconsistent with it. It must depend upon a basis of facts, which must be as strictly proved by testimony as any other facts must be; the coincidences may be of a physical character, or of a moral nature. The ordinary views and feelings with which parties act are facts, and they are of such uniform operation, that a conclusion may be drawn from them, that, if a person acts in a particular way, he does it from a particular motive; when they are of a physical and mechanical nature, they are very strong—sometimes they may be so strong that there can be no question on the subject.

[The Chief Justice explained the legal rules for the consideration of circumstantial evidence.]

The charge is a charge against Dr. Webster, of the wilful murder of Dr. Parkman, on November 23rd last.

In the first place, it is necessary to ask, what is the indictment, inasmuch as it is the duty of the Court to decide upon all points of law, and as the form of indictment is a question of law. We have investigated this subject, and I now give the result.

This indictment contains four counts. I will not read them; but it charges the commission of the act of homicide by four different modes of death. Legal proceedings, established by old, long, well-confirmed precedents, sometimes do seem to differ. But the general rule is, that no man shall be held responsible for crime, in any

form, until it has been substantially set out in some charge—substantially and formally set out in some charge. But whatever may be the form, the offence shall be fully and formally, clearly and substantially, set forth. It therefore often becomes necessary to set forth several counts. When a person, who does not know these rules, sees these counts, he is very apt to say that these are inconsistent. But we are to consider that a party who draws the indictment often does not know which charge will be proved; but, in order to meet the evidence, he may set them forth in as many counts as he pleases, and aver as many modes of death as he chooses, and if any one of them is proved, that is all that is necessary to sustain the indictment. Satisfactory proof of any one mode of death is sufficient.

It is said, that there are various forms of indictment adapted to many of the modes in which death may be inflicted. But is not science continually discovering new modes? Suppose, in the chemical laboratory, a person might be held fast, while chloroform was placed over his mouth, until he dies. Suppose such a case has never before occurred. Shall such a party escape on that account? I think not. And, therefore, as in cases of new modes of locomotion, the common law has a rule for all new cases. Not that it foresaw that a steamboat would be built, or that railroads would intersect the country; yet, its general principles embrace all these cases. And, therefore, whatever be the form of death, still the charge in the indictment, if it presents the mode of death in as special a manner as the circumstances of the case will allow, is sufficient.

How are we to consider this indictment? The first count contains the charge of death by striking with a hammer; the second, by something nearly like it; the third, by throwing upon the floor, and beating with the hands and feet, and thereby producing death; and the last is the count which I shall presently read.

Now, in a case of this description, if the parties prove,

to your satisfaction, that Dr. Parkman lost his life by any means suggested, of which there has been proof offered, perhaps the reasonable probability would be, independent of any direct proof about the body, that it was done by a blow, or a stab in the side, or something similar; and, therefore, if such fact were proved, it might be considered sufficient. It may be impossible to determine in which of these modes death was produced; yet, if it was made in some of the modes suggested, then it will warrant the finding against the defendant.

The last count is as follows:—

“And the Jurors aforesaid, upon their oaths aforesaid, do further present, that the said John W. Webster, of Boston aforesaid, in the county aforesaid, in a certain building known as the Medical College, there situate, on the 23rd day of November last past, in and upon the said George Parkman, feloniously, wilfully, and of his malice aforethought, did make an assault on him the said George Parkman, in some way and manner, and by some means, instruments and weapons, to the Jury unknown, and did then and there, feloniously, wilfully, and of his malice aforethought, deprive of life, so that he, the said George Parkman, then and there died; and so the Jurors aforesaid, upon their oaths aforesaid, do say, that the said John W. Webster, him the said George Parkman, in the manner and by the means aforesaid, to the said Jurors unknown, then and there, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace and dignity of the Commonwealth aforesaid, and contrary to the form of the statute in such case made and provided.”

The Court are of opinion, and for the purposes of this trial adopt it, that this is a good count of the indictment; and, from the necessity of the case, it is so; because circumstances may be imagined in which the cause of death could not be introduced into an indictment. Some books enumerate various modes in which death may be inflicted—strangling, smothering, and depriving of breath; but if new modes occur, as the use of ether, or chloroform, continued so as to produce death, the body may be put into such a condition that no one can determine how death was occasioned, and it may be said, “to the Jurors unknown.” The precaution which is taken in the



books, in explaining murder, shows that death produced merely by fright or grief is not included. A person who frightens another to death is not, strictly speaking, a murderer. Murder must be some physical force applied to the person. This count charges an assault. That is a technical term, well understood in law ; it is something inflicted upon the person, and naturally excites sudden and violent resentment.

Then this count charges death, by means, instruments, and weapons, to the Jurors unknown. Now, the rules of law prescribe, that the Grand Jury will present the charge with as much certainty as the circumstances will admit. And if there was no evidence by which they could specify more particularly, then this count is conformable to the law. And, therefore, if you are satisfied that the defendant is guilty of the crime charged, this form of indictment is sufficient to warrant a conviction.

Then what is necessary to be proved ? It is necessary, in the first place, to establish the *corpus delicti*, or the offence charged ; that the death was effected by violence, and that the circumstances are such as to exclude accident or suicide.

Now, gentlemen, what are the facts charged ? They are these: It is alleged that, on November 23rd, in the forenoon, Dr. George Parkman—very well known by most persons in this vicinity—was in good spirits and health ; that he walked with Mr. Shaw down town ; that he was seen, in different places, that forenoon ; that he was traced to different places, until between half-past one and two o'clock ; that he was seen about to enter the Medical College ; that, having gone in, he never came out of that College alive ; that he was missed as soon as he would naturally be. It is further charged that no general proclamation was made till Saturday morning. Search was made for him, in various directions, on Friday and Saturday morning, but it was not thought best to make a public proclamation until the cars on the various railroads came in at noon ; at that time the police were

called into action, and search was made. That such search was continued, with great activity, in all directions where there was any likelihood of his being found, until the termination of a week ; that certain remains of a dead body were found, which led to the arrest of the defendant ; that the next day, proper examinations were made ; and that there were further discoveries—that further parts of the dead body were found, and examined under such circumstances as to induce a reasonable belief that they constituted portions of the dead body of Dr. George Parkman. This is the charge ; and you are to decide whether the evidence does, or does not, tend to charge guilt upon the defendant.

In the first place, is the crime proved ? If the party was in good health, and in good spirits, and that he so continued to the day of his disappearance, by the evidence before you, this must be considered a fact, until something to the contrary is shown. It is alleged that he went to the College, and met Dr. Webster. This is admitted by himself ; but then the question arises, whether anything further was heard from him.

Three questions, then, arise in the present case. First—were these the remains of the body of Dr. Parkman ? And if so, were they found under such circumstances as to exclude any belief that he came to his death by accident, or suicide, so as to leave the other conclusion, that he came to his death by violence ? And if so, then by whose hand ?

In the first place, then, gentlemen, it seems to be proved, by testimony that is unquestionable, that he disappeared some time in the forenoon, so far as his family are concerned, on Friday, November 23rd, and that he did not return that day to dinner. That is a fact uncontested.

Then another question arises. Whether any other mode or cause of that disappearance is shown ? It is argued that the search which was made was unusual, was unprecedented, was extensive ; that every line of inquiry

was followed up, which seemed to indicate a favourable result, and no discovery made.

Perhaps, as the first point on the part of the defendant was on the score of the *alibi*, it may be as well to refer to that; because, if, after the time when, by the probable circumstances of the case, it would appear from the proof that his life was destroyed in the Medical College, if at all, he was seen elsewhere, of course, that would be a circumstance inconsistent with the allegation that he was last seen entering the Medical College. If the *alibi* is made out, it is conclusive in his favour.

Now, the question is, whether he was seen. There is a point made afterwards, to which it may be necessary to allude. When you are called to consider the evidence of any particular fact, of course, you are to decide upon the preponderance of the weight of evidence in favour of or against it. And, therefore, when a certain amount of evidence is adduced to establish one conclusion, if there is a vast, overwhelming amount of evidence, to establish the other, however the proof might have been if it stood alone, it will not stand against the greater mass of testimony.

The witnesses in favour of the *alibi* of Dr. Parkman are Mrs. Hatch, Mr. Thompson, Mr. Wentworth, Mr. Cleland, Mrs. Rhodes and her daughter, and Mrs. Greenough. It is not necessary to go over all their evidence. You will remember that the notice of Dr. Parkman's disappearance appeared in the public papers on Saturday afternoon; that on Sunday a general inquiry was made; that on Saturday afternoon and evening, and on Monday, they had a pretty thorough search; and so it continued, up to the succeeding Friday, when the remains were found. No doubt, during that period, there were various stories, as to his having been seen during the day of his disappearance. It may be very probable that there were some accounts which were made during that period, and very honestly made, by the persons who thought they saw him. But, I said that this was to be compared with the

evidence on the other side. Gentlemen, perhaps it is somewhat peculiar to our own country, but it is perfectly well known to all men of experience, that, when a great event of this kind arises, which fastens upon the mind of the public, the whole community are resolved, at once, into a body of inquirers. Everybody tells to everybody else whom he has seen, and what he has seen, within the last twenty-four hours, or within the last week. It is upon those statements that at last a line of inquiries is made, which leads to the true result. One says, I saw such a thing; and another, another thing; but, when compared, they do not agree.

There are two circumstances which apply to proof of *alibi*. In the first place, there is the uncertainty which applies to the fact, not to say anything about an intentional misleading; but a witness is always liable to be mistaken. Then, in order to establish the fact, it must be proved, beyond reasonable doubt, that the party was seen at the precise time and place where he is alleged to have been seen by the witness. And that is the difficulty with regard to proof of *alibi*. There is always room for the difference of time to be explained, owing to the difference of time-pieces, which sometimes vary five or ten minutes.

On Saturday, notice was given. On Sunday, his disappearance was pretty generally known in the west part of the town. I believe, on Monday morning, it was universally known in the city. Then thousands were put upon their recollection, to say whether they had seen Dr. Parkman, where, when, and under what circumstances. Now, he was a person very well known. Perhaps no man of his age and situation was better known here, in person, than himself. Now, notwithstanding this proof, the question is whether he would have been likely to have been seen by many persons, if he had been moving through the streets in the manner indicated by this testimony. Judge for yourselves. Would there not have been hundreds or thousands of persons who would



have seen him, and have testified to it? This, however, is negative testimony. But if anything happens, and persons do not see it, if they were placed where they might have seen it, this, though negative, leads to an affirmative result. That is one of the modes to lead you to a view of the truth. If you are satisfied that there were a great number of persons along the streets where he was said to have been seen—Cambridge, Court, Washington Streets, etc.—would there, or would there not, have been a great variety of persons who would have confirmed that statement? If so, it is a comparison of the testimony, negative on one side, positive on the other.

Now, it is said, that positive testimony is more available than negative; and it not infrequently happens, in proof of this sort, that one witness sees one thing, which another did not. Now, when two persons are placed in a position to observe, and one says that he did see it, and the other says that he did not, I do not see why they do not contradict each other. For, though one is negative, and the other positive, yet, if the one who testifies that he did not see it was placed in a position in which he would have seen it, if it had occurred, they are contradictory.

Owing to the dimness of the hour at which he was said to have been seen by Mrs. and Miss Rhodes, it is possible that they were mistaken in the individual. They may have been mistaken, also, in the day. If a person says, "I know it was the day, because I wrote a note on that day," he may have misdated it at the time, which is a matter of common experience. One of the papers in this case bears upon its face an impossible date, having been dated November 31st. If the actual proof is such as to show that the deceased party lost his life at or about two o'clock, in the Medical College, then it is impossible that he should have been seen after that time; and, whatever may be the causes, it must be that the parties were mistaken. But this depends upon the main evidence brought to establish the case. If that puts it beyond reasonable doubt that he was there, and at that time

murdered, then it places it beyond reasonable doubt that he could not have been seen at a later hour.

One remark with regard to those different persons who saw him in the course of Friday afternoon. They do not come to establish any one theory. Now, if he had been seen by one person in one place, and subsequently by another person in that direction, and so on a certain length of distance and time, then they would have tended to corroborate each other.

Mrs. Hatch is not relied upon. The other testimony is, that he was seen by Mr. Thompson, who came from East Cambridge and who estimated his time by the East Cambridge Court-house clock—a new clock, and proved by some witnesses to be irregular; by Mr. Wentworth, who saw him in Court Street, nearly opposite Mrs. Kidder's; by Mr. Cleland, who saw him in Washington Street; and by Mrs. and Miss Rhodes, who saw him in Green Street, going in an opposite direction to them, as they were going home, to Chambers Street; and Mrs. Greenough saw him in Cambridge Street. They do not seem to correspond with any one theory.

If the other evidence is sufficient, it goes to show that this must have been a mistake. But this is proper evidence to compare with the other evidence; and, therefore, if of such a character as to raise in your minds a reasonable doubt, and if the contrary be not proved beyond such reasonable doubt, the case of the Government is lost, and the defendant is entitled to an acquittal.

The difficulty of establishing such proof is, first, as to the day; second, as to the time of day; thirdly, as to the identity of the person. Then contrast it with the supposed controlling proposition, that if Dr. Parkman had been in those places, other persons would have seen him. Take these things into consideration, and see if a reasonable doubt is produced. It is true, that the time is not of itself material to this case. If it should be established that he was seen at half-past one, or two, or three, or four o'clock, still the crime may have been committed. But

the importance of this proof is this: Inasmuch as all the proof, on the other side, tends to establish the fact that he did go, about a quarter of two o'clock, into the Medical College, and that he did not come away, then it would have a tendency to control that proof, and render the fact doubtful. But if the evidence is otherwise, such as to prove that Dr. Parkman lost his life at the College, about two o'clock, on Friday, then it cannot be proved that he was abroad, whatever may have been the source of the mistake. But the question, whether he was abroad, bears upon that proof.

Then the question is, whether the defendant was there upon that day, and did meet Dr. Parkman by appointment, and did act upon that temptation to kill Dr. Parkman. It is not necessary to establish the fact of seducing him there; but, if proved, then all implied malice is laid out of the case, because it is murder by express malice.

On that Friday, Dr. Webster lectured. It was the last day he was to lecture, previous to the ensuing week. He remained there, as he says, till about half-past one o'clock, and did meet Dr. Parkman, and paid him the money. Tracing the evidence, then, with regard to Dr. Webster, it appears that he was at Mr. Kidder's that afternoon; and there is some evidence tending to show that he was at the College about six o'clock. This testimony is from Mr. Preston, a medical student, who was in the low wing, at the west end, where the students are in the habit of practising dissection, daily and constantly. Mr. Preston says he was coming out of the dissecting-room at about six o'clock. I think you will recall his testimony, though it was given pretty early in the trial. He states that he had an engagement at seven o'clock; that his own tea-hour was half-past six o'clock; and that he started early enough from the College to reach home in season for tea; so that he states it at six or half-past six, that he saw Dr. Webster passing into the College shed.

This is the evidence of that day. If there is no evidence

beyond this—if Dr. Parkman is not seen afterwards—then the conclusion seems to be strong, that, having gone there in good health, and in one week found bereft of life, he came to his death, not by accident, not by the visitation of Providence; because, if it had been by accident, it would have been known—there would be no motive to conceal it. The concealment, therefore, has a tendency to show, from the facts and circumstances under which this body was found—if that was his body—that he came to his death by violence. You will judge whether that is a natural and proper conclusion.

If so, then the question arises, Were these his remains? Was the body of Dr. Parkman found? It has sometimes been said by Judges, that a Jury never ought to convict, in a capital case, unless the dead body is found. That, as a general proposition, is true. It sometimes happens, however, that it cannot be found, where the proof of death is clear. Sometimes, in a case of murder at sea, the body is thrown overboard, on a stormy night. Because the body is not found, can anybody deny that the author of that crime is a murderer?

Now, about the mode of death. Suppose that a man is struck, on a deck of a vessel. His skull is fractured, and he remains for a length of time insensible. Suppose that, while in this condition, he was thrown overboard. The evidence tends to show either that it was death from the blow or from drowning, though we cannot tell which; and yet, it may be said that it was certain that it was one, and as absolutely uncertain which it was.

It is not necessary for me to go into all the evidence. The remains were in three places. One was the lavatory (and when we speak of the lavatory, we refer to the cellar of the building, the corner only of which was used as a lavatory); a second part was found, partially calcined, in the furnace; and still other parts in the tea-chest; and all the parts being found near one place, and all connected with one apartment. If these places were resorted to for concealment, you will judge whether the person who



concealed one part is the same that concealed the other. If a person had a motive to conceal one part, then he probably had a motive to conceal the other.

These are thought, by the witnesses, to be parts of one human body. But if, upon examination, it were found that there were two right legs or right arms, they could not be the remains of one body. They might, perhaps, have been the remains of anatomical subjects. It is, therefore, of importance to ascertain whether they were parts of one human body. If all the parts coincide with each other as one body—those parts that were found in the basement, and those found in the tea-chest, and those in the furnace, all corresponding—then the natural conclusion would be, that the same person who concealed one did the whole, and that they did belong to the same body. Then the question would be, whether those were parts of a body used for dissection; because, finding a dead body in the Medical College, the first natural conclusion would be that they were parts of a body used for dissection. Then the question is, whether that is negatived. The physicians have testified as to the manner in which the dissection was performed. Dr. Holmes and Dr. Wyman have testified. Dr. Ainsworth says that it is his business to keep an account of the subjects; and as they now have the sanction of the laws in furnishing the means of obtaining subjects, it is necessary to keep accurate accounts of them. He testifies that all are accounted for.

It is testified to be a uniform custom, when a subject is brought for dissection to the Medical College, to make some preparation before dissection commences.

That is done by injecting the arteries with some chemical substance, which tends to preserve the body. This, therefore, is the first question, to ascertain whether these remains were parts of an anatomical subject. One inquiry was, had the blood-vessels been injected? That could be ascertained by chemical analysis. Portions of the blood-vessels were taken out, and committed to the examination of Dr. C. T. Jackson, and that late eminent

chemist, Dr. Gay, and Dr. Crossley. In consequence of Dr. Gay's death, his examinations were not finished, but were concluded by Drs. Jackson and Crossley; and they testified that these arteries had not this anatomical injection.

Now, then, the first evidence that was offered was, that these parts were laid in juxtaposition, and that they appeared to correspond in height and figure with the body of Dr. Parkman. Here is one of the cases to which the rules of evidence apply, to which I called your attention in speaking of circumstantial evidence. If this had been alone relied upon, as proof of identity, it would be left doubtful; because parts of the body were wanting, and those the parts by which identity is commonly established. Had there been marks upon the portions of the body which remained, and they could have been proved as natural or artificial marks upon the body of Dr. Parkman, of which there was no evidence, it would have tended to prove identity. If there be, in the teeth, sufficient evidence of the specific identity of these remains with those of Dr. Parkman, then the fact that they did not differ, in shape, size, or height, from those which did belong to him, would have this effect: they would not, of themselves, be sufficient to prove identity; they would be conformable to the supposition that this was the body of Dr. Parkman—not opposed to it, and yet not specific enough to be direct evidence of it. You are, then, to determine whether the body was identified by the teeth.

It is scarcely necessary for me to do more than to name the witnesses which have been called to testify upon that subject. It is certainly a very interesting inquiry, whether the teeth can be identified or not. It cannot have escaped notice, how great a similarity there is in this to the investigation of what are called fossil remains. Persons have studied the anatomy of the bodies of reptiles, and of the lower orders, to such a minute degree that from the figure, from the openings, they are able to say, from a single bone, even, what class they belong to, and thus

trace the inquiry, and ascertain the existence of races and species of animals. But still you are told here, by the anatomists—by Dr. Jeffries Wyman, who is reputed to be excellent—that by finding a small piece of bone, it is possible to determine to what part of the body that belonged. There are particular parts through which particular nerves, or vessels, pass, by which it can be determined that they are parts of the temporal bone, the cheek-bone, or some other.

Dr. Keep was called, and stated that, three years previous, in 1846, he made teeth for Dr. Parkman, to whose teeth and stumps various adjustments were to be made. He testifies that they were adjusted and fitted. Now, the gold having been melted, but the blocks of teeth remaining, with several peculiar angles and points, the question was, whether he could ascertain their identity. It is merely necessary for me to refer you to this testimony. He was of opinion that he could identify them; he was satisfied that they were the teeth of Dr. Parkman. If you are satisfied that that conclusion was right, then this testimony is of a very different character from that of the shape and size, and has a strong tendency to prove that it was the body of the deceased person. I barely refer to the persons who have testified to this. Dr. Keep, with his assistant, Dr. Noble, think that they can identify these blocks of teeth. Dr. Morton is of opinion that there is not enough to enable an artist to identify them. And with regard to all that, Drs. Harwood, Codman, and Tucker, have testified the other way.

You are to determine, by all the testimony, whether those were the teeth of Dr. Parkman, and belonged to the same body as the other parts; and, if so, it has a strong tendency to a proof of death by violence, and then the *corpus delicti* is established; otherwise, not. If this is not proved to the satisfaction of the Jury, beyond reasonable doubt, then the dead body is not proved to be that of Dr. Parkman, and the proof of the *corpus delicti*, as offered by the prosecution, fails.

But if this is satisfactorily proved, then the next question for the Jury is, By whom was it done? I have already submitted to you the question, whether or not these belonged to the same person. If they belonged to the same person—if these were the teeth of Dr. Parkman—(you will recollect the reasons that they gave why the teeth were in the head before being put in the furnace)—then one part, being identified, identifies the rest.

Gentlemen, I shall pass over all that has been said in regard to Mr. Littlefield. I am not aware that the conclusion depends upon his testimony. You are to judge of, and give that weight to it, as you think it deserves, so far as it should command attention. It is not impeached. You will attribute to it the value and importance which it merits.

Before proceeding away from this question of the remains, it may be proper to allude to the fact which was stated by Mr. Littlefield—I am not sure that it was by any other witness—that is, why these remains were not placed in the dissecting-vault, instead of being placed in the laboratory and cellar. Seeing limbs there, would have excited less suspicion. Mr. Littlefield says that it was double locked; and that, though the key was there, it was in a dark place, and he had charge of it. I state several things here, as I happen to find them upon my minutes, because they may as well come in at one place as at another.

The general outline only of these facts it is necessary to state. Undoubtedly, from Monday and Tuesday, till Friday, there was a pretty close watch kept on the Medical College. On Monday, one of the family went there—Dr. Samuel Parkman; Mr. Kingsley, and two officers with him, were there also. A more thorough investigation was made on Tuesday, by four officers, yet probably not particularly thorough; but every part had been looked through, at least, except the vault. I speak of it as a vault, because, though it is a large section of the cellar, yet it is separated from the rest by a solid wall, and



separated from the dissecting-vault. The lavatory leading from the lower laboratory was the only means of access to it, except by taking up the floor, or by making an aperture through the brick wall. Every part of the building had been searched except that.

With regard to the conduct of the defendant at the time of the arrest and since, it strikes us that not much can be drawn from it. Such are the various temperaments of people, such is the rare occurrence of an arrest for this crime, who can say how a man ought to behave? How can you say that he was too much moved, or too little moved? Have you had any experience how you would behave in such a position? Judge you concerning that. The facts are before you, regarding his conduct and language. They are a part of the evidence, but it strikes me that they cannot be very important: if the testimony is sufficient without, then this species of evidence is unnecessary; if they are not, then the conduct seems not sufficient to give any conclusive effect to the other proofs.

Now, gentlemen, there are two things to consider. If two persons meet, and one voluntarily destroys the life of the other, and no evidence appears, either in the testimony brought to convict him, or in that produced on his behalf, to show provocation, or heat of blood, it is held to be murder, or homicide with malice. I have stated that malice may be either implied or express. Malice express is where there is evidence of design, in the previous acts or conduct of the accused.

Murder by poison must be by express malice, because there must have been preparations previously. But whether malice, in any case, be express or implied, it is always murder, if the homicide be voluntary, and not death produced in heat of blood.

There are two theories on which this is thought to be murder. One is that it was by express malice, and the other is that it was by implied malice; that is, that if the express malice is not proved, and if the mitigation to

manslaughter is not proved, still, in cases where there is not accident or suicide, it is murder by implied malice.

The theory on the part of the Government is, that Dr. Parkman was the creditor of Dr. Webster; that he held two notes against him; that one was given as early as the year 1843, for \$400 or \$500; that, afterwards, another note was given, in which Dr. Parkman advanced another sum, making up in the whole \$800, and other friends of Dr. Webster contributed enough to make up the sum of \$2400, so that, when collected, it would be partly his own and partly the money of others; that Dr. Parkman had insisted very urgently for the payment till the time of his death. It would seem, from the facts which appear in the case, that what he was urgent for was the payment of his own debt. Now, although he held the note for \$2400, which was not due till March, 1851, still, that embraced the \$500, and the \$332, a part of the old note; so that this smaller note, though not given up, was to be considered as paid when the larger note should be settled. You perceive, therefore, that he held two notes, one due to himself, and one due to himself with others; that he had pressed for payment rather earnestly; that Dr. Webster had put him off; that the time had come for receiving the annual stipend; that Dr. Parkman had expected to receive his pay at that time; that Dr. Parkman wished to obtain the money received from the sale of tickets; that this fact was received from Mr. Pettee by Dr. Webster himself; that, on Monday evening, Dr. Parkman called at the College, and urged Dr. Webster very strongly for payment; that the reply was, that he could not pay him on that day; that he was finally put off until Friday.

It seems, however, that, in the interval, he was seen, on Thursday, to go to Cambridge. Now, the paper which was found in his possession, being a paper drawn up by Dr. Webster's friend, Cunningham, will exhibit the pecuniary transaction between these two parties.

The suggestion is, that Dr. Webster called at Dr.

Parkman's house on that Friday morning, and said that, if Dr. Parkman would come to the Medical College at half-past one, he would pay him. The ground taken on the part of the prosecutor is, that this was done for the purpose of inducing Dr. Parkman to come there, without the intention of paying him; that he did not pay him; that he had not the means of paying him; but that his object was to get possession of those notes on which this claim was due. And, in consequence of this engagement, Dr. Parkman did go; that Dr. Webster, instead of being prepared to pay his debt, took measures to destroy the life of his creditor, with a view of getting possession of the notes, without payment; that he did get such possession; that he then gave out to the world that he had paid \$483.64, which was the smaller note; and therefore that the object was an act of plunder, and that, too, by taking the life of the individual. If that is proved to your satisfaction, undoubtedly it is a case of express malice.

If proved, I cannot distinguish between this and a case of property found upon the person alleged to have plundered another of his property. Such possession, established by proof, beyond reasonable doubt, tends to show that plunder was the object for which the act was done.

Gentlemen, you will have the notes. There is abundant proof about the pecuniary transactions between Mr. Pettie and Dr. Webster. Mr. Pettie was an officer who was appointed to collect the dues from the students. He testifies to you that he happened to be at the Medical College on the morning of that Friday, and that he went there for the purpose of paying Dr. Webster \$90, which was due to him, having paid him \$250 or \$260 before. \$500 was received by Mr. Pettie to Dr. Webster's credit, at one time, about half of which was paid to Dr. Bigelow. You will compare these statements of Mr. Pettie with the bank-book, and say whether these were the sums received by Dr. Webster during that period. There is one of the

circumstances which is very significant, and that is, that the \$90 paid, on the morning of that Friday, to Dr. Webster, by Mr. Pettee, was not a part of the money used for the payment of the note, for \$483.64, which Dr. Webster stated that he paid on that day; because it appears that that was paid in a cheque on the Freeman's Bank; and also, that, on the next day, though possibly on that day, after two o'clock, but not credited, as it was after bank hours, until the next day, when the cheque was entered to his credit, on the books of the Charles River Bank.

Mr. Pettee says, that he told Dr. Webster that he did not choose to be troubled by Dr. Parkman; and, on account of his desire of avoiding Dr. Parkman, he had previously told Littlefield to inform Dr. Webster that he would meet him on that Friday morning, at the Medical College, to pay him whatever sums were due. He testifies that, though he had some business transactions with Dr. Webster at that time, he thinks he did not mention to Dr. Webster the harsh language used by Dr. Parkman. Still he said he did mention that he had had trouble, and that Dr. Webster said, "There would be no difficulty about it, for he had settled with Dr. Parkman."

If this engagement with Dr. Parkman was made by Dr. Webster, with the purpose of getting possession of those notes, and by means of this arrangement he did get possession of those notes, it would be a very strong case of murder by express malice. A fact, if it be so, that there was still money due on the larger note—I mean, money not paid, and which was not due for more than a year—would be a still stronger circumstance than finding the note that was due; because it is stated now, by the defendant, that he had collected money for the purpose of paying the \$483, but he has not stated that anything more than that was paid. The evidence to show that these two notes were found in the possession of Dr. Webster, upon a search of his house at Cambridge, is



before you ; and you will judge whether it proves the fact beyond reasonable doubt. This is one of the facts, in the chain of evidence, which the Court deem material ; without which, the chain of circumstantial evidence would not seem to be complete.

It was my intention to examine all the testimony of his own account of the payment of the money. I think that you will find that the statement made to Mr. S. Parkman Blake was one of the fullest. I intended to read it, but I think it is not necessary. He says, that Dr. Webster informed him, that, about the time of the engagement, namely, at half-past one, on Friday noon, Dr. Parkman came to the Medical College, and that he paid him in the smaller room ; that he took the money, and started off hastily, with the money and papers in his hands ; that Dr. Webster said to him, " You have not cancelled the notes " ; that Dr. Parkman turned and dashed his pen through the signature, and was then hurrying away, when Dr. Webster spoke to him about discharging the mortgage ; that he replied, " I will go and see to that." This mortgage turned out to be on personal property. The office was, therefore, that of the Town Clerk, at Cambridgeport, and not at East Cambridge, as was supposed. But, if you find that money was due on the other note, and that that note was obtained without paying anything, you will have to consider the motive for it. If it is proved, this may tend to make out a case from circumstantial evidence, because it would tend to connect the defendant individually with the possession of the note, having a motive to obtain it.

Then, there is a great variety of circumstances, tending to show the acts of the defendant in concealing these remains. Now, if it be surmised that these remains were placed there after the death of the party, and without the knowledge of Dr. Webster, of course, this concealment would not affect him. But I have already stated that the three portions were so situated, with

regard to each other, that whoever had a motive to conceal one probably had a motive to conceal the other, And if this was done under circumstances so as to render it necessary that it must have been done with the knowledge of Dr. Webster, that strengthens the conclusion that it was done by him, or, at least, with his concurrence.

It is not necessary to go through all the circumstances relied upon to show the conduct of the defendant after he was arrested. If the defendant was charged with the guilt of murder, or if any man found himself charged with the guilt of such an offence, and the circumstances remain unexplained, they might tend to show an apparent consciousness of guilt.

Dr. Webster's conduct, we think, ought to be considered to have a very slight bearing. There is nothing, from the experience of the Jury, to show how men will act when charged with such a crime.

The fact, in regard to Dr. Webster's statements, made to different persons, that he never mentioned two notes, and yet two notes are found in his possession, would go to show motives of a conclusive character. So the fact, that these papers were found in his possession, or custody, in Cambridge, is of importance. It may be that he alluded, in his letter to his daughter, to the package given to his wife a day or two before, when he had been applied to to obtain some citric acid. The letter does not say package, but "bundle." Whether those were the papers which he requested to be concealed, would be immaterial, and, therefore, it would be immaterial whether that was the package which he referred to, because the papers themselves furnish the material evidence. But if it referred to them, the letter itself might go a little further, and show that he thought the possession of those papers might be hazardous to him ; and, therefore, the attempt to conceal them, if proved, would bring it within the rule, that the attempt to suppress proof, or to alter any of the facts in the case, would go against the accused. But if it lead to a search, and

hence these papers were found, the papers have the same effect, whether it alludes to them or not.

It is sometimes said, that small circumstances go to show great truths. Identity is sometimes proved by small circumstances. It is argued, on the part of the prosecution, that a piece of twine was tied about these remains, similar to what was found in Dr. Webster's room. Gentlemen, whoever undertook to destroy these remains, whether the defendant or any other person, had access to the rooms of the defendant, and undoubtedly would use all the means within reach, whether under lock and key or not; to a person with such views, a lock would be of little avail. The whole apartments may be considered to be under the control of Dr. Webster. Of his knowledge of the fire, and his presence, you can judge from the evidence. With regard to this twine; that somebody had the intention of concealing these remains—proposing first to conceal them, then to destroy them—is pretty manifest, from the manner in which they are covered up and concealed. The same person who had the motive to do one, probably did the whole. The same person who packed up the body, used the cord; it seems a slight circumstance. By not dwelling upon these various circumstances, I do not intend to withdraw them from your consideration. But the time admonishes me that I must draw to a close.

I might enumerate the witnesses. They are very numerous. The persons who speak of the search are, Messrs. Shaw, Blake, Tukey, and others. As shown by witnesses, Dr. Francis Parkman and Mr. Blake, the conduct of the defendant, at different times, was of such a character, and he was in such a situation, that you will judge how far any statement made by him at those times ought to be considered as evidence bearing much against him.

There is one circumstance which is dwelt upon with some force, by the prosecuting officer, which ought, in the opinion of the Court, not to be considered against

the defendant. That is, that he waived an examination in the Police Court. Here was the Inquest charging him with murder;—what is the purpose of the Police Court? It is simply to find *prima facie* evidence, to warrant a commitment. It is customary, oftentimes, to waive an examination there. The magistrates would not go into as thorough an examination in that Court as here. Its object is simply to ascertain whether a warrant shall be issued for the commitment of the accused. His waiving an examination there seems to us immaterial, more especially as there had been an Inquest, charging him with an offence. [The Judges consult together.] I am told there had been no Inquest at that time, but that is immaterial. There was sufficient evidence to hold the party for trial; and that is all that is required.

Then, gentlemen, the question of the anonymous letters. If a person attempts to divert attention from himself, more especially if it is to fix attention upon others, that is one of those circumstances, arising out of human conduct, when an individual has been guilty of crime. But the facts cannot be proved certainly; and unless they are proved beyond reasonable doubt, they are not material. This only goes to show that, if the proof existed without them, they would corroborate it. But if the letter marked “Civis” is written by him, you will judge whether he was placed in such a situation as to induce him to write it. A man may be placed in such a situation that he thinks there are strong circumstances against him, and, without actual guilt, may attempt to ward off proof. But proof is necessary. With regard to the other two letters, the proof is slight. You will judge for yourselves whether any of them were written by the defendant.

If this act of homicide was committed by Professor Webster, and there is not sufficient proof to mitigate the crime to manslaughter, then the conclusion would be that it was murder by implied malice. If the other assertion is proved, that it was intended to decoy him to the College,



to do this deed, that is express malice. If it is not proved that *he was there*, then there must be a general verdict of acquittal.

There is another point. It is competent for a person accused to give evidence of character. Now there are cases in which a man may stand in such a situation that a good character would be very important to him. A stranger may be placed where there were circumstances tending to charge him with larceny, or with some other species of crime. He may show that, though there are suspicious circumstances, yet, where he is known, he is esteemed to be of perfectly good character; and that sustains him. Such a character may defend him from such a crime. But where it is a question of a great and atrocious crime, it is so unusual, so out of the ordinary course of things, he must have been influenced by such facts and circumstances as to create effects which have infrequently been produced upon a human mind, so that the evidence of character may be considered as far inferior to what it is in the case of smaller crimes. Against facts strongly proved, character cannot avail. It is therefore in smaller offences, in such as relate to the actions of daily life—that if a man be charged with being light-fingered, for instance—he may bring evidence with regard to his character, showing that he would not be likely to yield to a small temptation. In such a case, evidence concerning character may be given with some effect.

But with regard to the higher crimes, the mere possession of a good character, though of less avail, is competent evidence to the Jury, and is one of a species which the party has a right to offer. The party accused may give evidence of it; and if he does, the party opposed may present evidence to contradict his witnesses. But a person who is charged with such an atrocious crime as this, ought to prove his character by very strong evidence, to make it counterbalance strong proof on the other side. It is not competent for a prosecutor to give in proof of the bad character of the defendant; and it

cannot be done, unless the party on the other side puts in evidence of his good character.

Gentlemen, I am sensible that there are a great many facts here. It is impossible that a great many things should not be omitted. I shall feel rejoiced if I have stated such of the main considerations of this case as shall enable you to come to a fair and just conclusion. Many things press upon my mind which I intended to mention; and yet I have taken as much time as I ought to take.

Gentlemen, we commend this case to your serious consideration. Weigh it under the rules of law. Consider that you have been called upon and set apart; in the first place, drawn by lot from those most experienced. You have been then selected from the body of those who have been drawn, with all the advantages of which the condition of humanity will admit. And, gentlemen, when it is said that it is possible to err, that is true. It is nothing more than to say that we are human. It is always possible to err. All that we can hope to do—you in your department, and we in ours—is to exercise the best faculties of our minds, to give all the weight to the evidence which it deserves, to weigh carefully on both sides; and although we should come to a result which, at some future time, may be proved to be erroneous, yet still a consciousness that we have done our duty will sustain us. I commend this cause to your consideration. Take sufficient time, weigh the evidence, and give such a verdict as will satisfy your own judgment, and your own sound conscience, and I am sure it will be a true one.

#### THE VERDICT

The Jury retired at eight o'clock and the Court was directed to reassemble at a quarter to eleven.

At twelve minutes of eleven, the prisoner was conducted to his seat within the dock. Shortly after, the Jury came in, and took their seats.

THE CLERK OF THE COURT.—Gentlemen of the Jury, have you agreed on a verdict?

SOME OF THE JURY.—We have.

The Clerk then said—John W. Webster, hold up your right hand! Foreman, look upon the prisoner! What say you, Mr. Foreman, is John W. Webster, the prisoner at the bar, guilty, or not guilty?

FOREMAN.—Guilty!

CLERK.—Gentlemen of the Jury, hearken to your verdict, as the Court have recorded it. You, upon your oaths, do say, that John W. Webster, the prisoner at the bar, is guilty: so you say, Mr. Foreman; so, gentlemen, you all say.

[The Court adjourned.]

TWELFTH DAY. Monday, April 1st

[THE SENTENCE]

Precisely at ten minutes after nine o'clock, the prisoner was brought into Court, and took his seat in the dock. His appearance betokened extreme melancholy.

The Attorney-General, Hon. John H. Clifford, rose, and in a tremulous and scarcely audible voice, addressed the Bench :—

*May it please your Honours.*—The prisoner at the bar, at the January term of the Municipal Court, in this county, was indicted by the Grand Jury for the crime of wilful murder. On that indictment, according to the provisions of the law, the prisoner was arraigned, and pleaded “Not Guilty.” Counsel of his own selection, capable and faithful, were assigned to him by the Court, to assist in preparing and conducting his defence. The issue then found has been presented to a Jury almost of his own selection. Every aid from Counsel has been rendered, in making out his defence, that could be rendered, and that Jury have found him guilty of the charge. It now becomes my painful duty to move, that the sentence which the law of this Commonwealth affixes to this offence should be passed upon the prisoner.

THE CLERK OF THE COURT.—John W. Webster, have you anything to say why sentence of death should not be pronounced upon you, according to law ?

The prisoner, upon the call of his name, rose, and, placing his hands upon the bar in front of the dock, looked calmly towards the Bench. He seemed as if disposed to speak ; but, after a bow, again resumed his seat, without doing so.



Chief Justice Shaw then addressed the prisoner. Upon the call of his name, Professor Webster stood up, and during the speech of the venerable Judge, it would have been difficult to determine which was the most affected:—

JOHN W. WEBSTER.—In meeting you here for the last time, to pronounce that sentence which the law has affixed to the high and aggravated offence of which you stand convicted, it is impossible, by language, to give utterance to the deep consciousness of responsibility, to the keen sense of sadness and sympathy, with which we approach this solemn duty. Circumstances, which all who know me will duly appreciate, but which it may seem hardly fit to allude to in more detail, render the performance of this duty, on the present occasion, unspeakably painful. At all times, and under all circumstances, a feeling of indescribable solemnity attaches to the utterance of that stern voice of retributive justice which consigns a fellow-being to an untimely and ignominious death; but when we consider all the circumstances of your past life, your various relations to society, the claims upon you by others, the hopes and expectations you have cherished, and contrast them with your present condition, and the ignominious death which awaits you, we are oppressed with grief and anguish, and nothing but a sense of imperative duty, imposed on us by the law, whose officers and ministers we are, could sustain us in pronouncing such a judgment.

Against the crime of wilful murder, of which you stand convicted—a crime at which humanity shudders, a crime everywhere and under all forms of society regarded with the deepest abhorrence—the law has denounced its severest penalty, in these few and simple, but solemn and impressive words:—

“Every person who shall commit the crime of murder shall suffer the punishment of death for the same.”

The manifest object of this law is the protection and

security of human life, the most important object of a just and paternal Government. It is made the duty of this Court to declare this penalty against anyone who shall have been found guilty, in due course of the administration of justice, of having violated this law. It is one of the most solemn acts of judicial power which an earthly tribunal can be called upon to exercise. It is a high and exemplary manifestation of the sovereign authority of the law, as well in its stern and inflexible severity, as in its protecting and paternal benignity. It punishes the guilty with severity, in order that the right to the enjoyment of life—the most precious of all rights—may be more effectually secured.

By the record before us, it appears that you have been indicted, by the Grand Jury of this county, for the crime of murder; alleging that on November 23rd last, you made an assault on the person of Dr. George Parkman, and, by acts of violence, deprived him of life, with malice aforethought. This is alleged to have been done within the apartments of a public institution in this city, the Medical College, of which you were a Professor and instructor, upon the person of a man of mature age, well known, and of extensive connections in this community, and a benefactor of that institution. The charge of an offence so aggravated, under such circumstances, in the midst of a peaceful community, created an instantaneous outburst of surprise, alarm, and terror, and was followed by a universal and intense anxiety to learn, by the results of a judicial proceeding, whether this charge was true. The day of trial came; a Court was organised to conduct it; a Jury almost of your own choosing was selected in the manner best calculated to insure intelligence and impartiality; Counsel were appointed to assist you in conducting your defence, who have done all that learning, eloquence, and skill could accomplish, in presenting your defence in its most favourable aspects; a very large number of witnesses were carefully examined; and, after a laborious trial, of unprecedented length, conducted, as

we hope, with patience and fidelity, that Jury have pronounced you "Guilty."

To this verdict, upon a careful revision of the whole proceedings, I am constrained to say, on behalf of the Court, that they can perceive no just or legal ground of exception.

"Guilty!" How much, under all the thrilling circumstances which cluster around the case and throng our memories in the retrospect, does this single word import! The wilful, violent, and malicious destruction of the life of a fellow-man, in the peace of God and under the protection of the law—yes, of one in the midst of life, with bright hopes, warm affections, mutual attachments, strong, extensive, and numerous, making life a blessing to himself and others!

We allude thus to the injury you have inflicted, not for the purpose of awakening one unnecessary pang in a heart already lacerated, but to remind you of the irreparable wrong done to the victim of your cruelty, in sheer justice to him whose voice is now hushed in death, and whose wrongs can only be vindicated by the living action of the law. If, therefore, you may, at any moment, think your case a hard one, and your punishment too severe—if one repining thought arises in your mind, or one murmuring word seeks utterance from your lips—think, oh! think of him, instantly deprived of life by your guilty hand; then, if not lost to all sense of retributive justice, if you have any compunctious visitings of conscience, you may perhaps be ready to exclaim, in the bitter anguish of truth—"I have sinned against Heaven and my own soul; my punishment is just; God be merciful to me, a sinner!"

God grant that your example may afford a solemn warning to all, especially to the young! May it impress deeply upon every mind the salutary lesson it is intended to teach, to guard against the indulgence of every unhallowed and vindictive passion; to resist temptation to any and every selfish, sordid, and wicked purpose; to

listen to the warnings of conscience, and yield to the plain dictates of duty ; and, whilst they instinctively shrink with abhorrence from the first thought of assailing the life of another, may they learn to reverence the laws of God, and of society, designed to secure protection to their own !

We forbear, for obvious considerations, from adding such words of advice as may be sometimes thought appropriate on occasions like this. It has commonly been our province, on occasions like the present, to address the illiterate, the degraded, the outcast, whose early life has been cast among the vicious, the neglected, the abandoned ; who have been blessed with no means of moral and religious culture ; who have never received the benefits of cultivated society, nor enjoyed the sweet and ennobling influences of home. To such an one, a word of advice, upon an occasion so impressive, may be a word fitly spoken, and tend to good. But in a case like this, where these circumstances are all reversed, no word of ours could be more efficacious than the suggestions of your own better thoughts, to which we commend you.

But, as we approach this last sad duty of pronouncing sentence, which is indeed the voice of the law, and not our own, yet, in giving it utterance, we cannot do it with feelings of indifference, as a mere formal and official act. God forbid that we should be prevented from indulging and expressing those irrepressible feelings of interest, sympathy, and compassion which arise spontaneously in our hearts ; and we do most sincerely and cordially deplore the distressing condition into which crime has brought you ! And though we have no word of present consolation, or of earthly hope, to offer you, in this hour of your affliction, yet we devoutly commend you to the mercy of our Heavenly Father, with whom is abundance of mercy, and from whom we may all hope for pardon and peace !

And now nothing remains but the solemn duty of pronouncing the sentence which the law affixes to the



crime of murder, of which you stand convicted, which sentence is:

That you, John W. Webster, be removed from this place, and detained in close custody in the prison of this county, and thence taken, at such time as the Executive Government of this Commonwealth may, by their warrant, appoint, to the place of execution, and there be hung by the neck until you are dead.

And may God, of His infinite goodness, have mercy on your soul!

At the conclusion of the sentence, the prisoner sank back into his chair and wept.

About five minutes were passed in solemn silence, which was suddenly broken by the Chief Justice, who said—"Mr. Sheriff, the prisoner is in your custody—Mr. Crier, adjourn the Court until to-morrow morning, at nine o'clock."

The prisoner was accordingly manacled and taken away.

[The Court adjourned.]

## APPENDIX A

### THE REWARD NOTICES

The following notices were issued after Dr. Parkman disappeared :—

#### SPECIAL NOTICE

GEORGE PARKMAN, M.D., a well-known and highly respectable citizen of BOSTON, left his house in WALNUT STREET, to meet an engagement of business, on Friday last, November 23rd, between twelve and one o'clock, P.M., and was seen in the southerly part of the city, in and near Washington Street, in conversation with some persons, at about five o'clock of the afternoon of the same day.

Any person who can give information relative to him, that may lead to his discovery, is earnestly requested to communicate the same immediately to the City Marshal, for which he shall be liberally rewarded.

*Boston, November 25th, 1849.*

#### \$3000 REWARD !

DR. GEORGE PARKMAN, a well-known citizen of Boston, left his residence, No. 8, WALNUT STREET, on Friday last. He is 60 years of age, about 5 feet, 9 inches high ; grey hair, thin face, with a scar under the chin ; light complexion, and usually walks very fast. He was dressed in a dark frock coat, dark pantaloons, purple silk vest, with dark figured black stock, and black hat.

As he may have wandered from home in consequence of some sudden aberration of mind, being perfectly well when he left his house ; or, as he had with him a large sum of money, he may have been foully dealt with. The above reward will be paid for information which will lead to his discovery, if alive ; or for the detection and conviction of the perpetrators, if any injury may have been done to him.

A suitable reward will be paid for the discovery of his body.

ROBERT G. SHAW.

*Boston, November 26th, 1849.*

Information may be given to the City Marshal.

\$100 REWARD will be paid for INFORMATION which leads to the recovery of a gold double-bottomed Lepine turned-case Watch : ladies' size, full plate, four-holed jewelled, gold dial, black figures, steel hands, no second hands, no cap. Marked F. B. Adams & Sons, St. John Street, London. No. 61351.

*Boston, November 27th.*

FRANCIS TUKEY, *City Marshall,*  
*Police Office, City Hall.*

**\$1000 REWARD !**

Whereas, no satisfactory information has been obtained respecting DR. GEORGE PARKMAN, since the afternoon of Friday last, and fears are entertained that he has been murdered, the above Reward will be paid for information which leads to the recovery of his body.

*Boston, November 28th, 1849.*

ROBERT G. SHAW.

## APPENDIX B

### CHARLES DICKENS' STORY

A singular incident was related by Charles Dickens in a letter to Lord Lytton, which is quoted in Forster's *Life of the novelist* :

"Just before Christmas of 1867, being in Cambridge on my second American tour, I went over the Medical School in order to see the exact localities where Professor Webster did that amazing murder and worked so hard to rid himself of the body of the murdered man. At the house where I afterwards dined I heard an amazing and fearful story, told by one who had been at a dinner party at Webster's less than a year before the murder. They began rather uncomfortably in consequence of one of the guests (the victim of an instinctive antipathy) crying out, with the sweat pouring down his face : 'O Heaven ! There's a cat somewhere in the room !' The cat being ejected, they were getting on a little better when, over the wine, Webster suddenly told the servants to turn the gas off and bring in 'that bowl of burning minerals' which he had prepared. All this was done. Some peculiar quality in the flames caused every man to look, horror-stricken, at his neighbour, Webster being seen bending over the bowl with a rope round his neck, holding up the end of the rope, with his head on one side and his tongue lolled out, to represent a hanged man !"

















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